



Journal of the Senate

Number 21—Regular Session

Wednesday, April 28, 2004

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CALL TO ORDER

The Senate was called to order by President King at 10:30 a.m. in lieu of 10:00 a.m. A quorum present—40:

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

PRAYER

The following prayer was offered by the Rev. Dr. Clayton Cloer, First Baptist Church of Central Florida, Orlando:

Our Father and God, we praise you today for who you are. We praise you, Lord, that you are an awesome God, worthy of our standing and reverence of your power and your greatness, and your glory.

We acknowledge today that we are not just in the presence of members or being watched by this State but, Lord, we are in your presence today. The things that we do today you behold, you observe. We praise you, Lord, for your purity, your integrity, your wholeness that you are undefiled and righteous. We praise you, Lord, that while we do things wrong you never do. We praise you, our God, that you are one and that you have created us and all of the majestic complexity and splendor in which we exist. God, you fashioned us and made us and for that we praise you. We thank you today, our great God.

We thank you for this Senate, for each Senator, for each family, for each Representative. Lord, we thank you for the activity that goes on here every day; that we live in a country and a state of civility; where there are laws that are made and followed.

We thank you, Lord, there is a system in our state that affirms and appreciates religious expression and even provides the freedom for people to believe in one God; the freedom for people to believe in Jesus Christ; or to believe in that which is what they believe in their own conscience. Thank you, Lord, that you have given us this freedom and for the soldiers who have given their lives so we can enjoy it.

Thank you, Father, for those who will protect us today; those who are involved in public service—the firemen, police officers, security workers, federal agents, state agents. Thank you, Father, for the security we enjoy that our own beloved citizens help provide and that ultimately you sustain. Then, Father, we thank you that you are a God who saves; that you care about people; that you deliver people; that you have sought people out and have given us a Savior.

We come to you today, great God, asking you for some things; thanking you that you can hear us and we ask you today that our Senate, this government will remember her purpose to restrain evil and reward that which is good. Today, as so many issues are deliberated and great wisdom is needed, I pray that you will provide it. I pray that we can have unity in this body around the truth and around that which pleases you. I pray, Father, this body would value every human life and every human being and, God, that this body and this state and our nation could enjoy peace and then, Father, we ask also for the families of our state, our families could be strengthened and the legislation is deliberated, considered and passed in this body would be a blessing to families. We pray these things in the wonderful, matchless name, the great name of our God and Savior. I pray them in the name of Jesus. Amen.

PLEDGE

Senate Pages Zachary “Zach” Engel of Longwood; Kaitlin V. Webster of Daytona Beach; Marisa Nicole Corona of Spring Hill; Katherine E. Ward of Tallahassee; and Elizabeth Anne Webster, daughter of Senator Webster, of Orlando, 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. George J. Arcos of Tallahassee, sponsored by Senator Lawson, as doctor of the day. Dr. Arcos specializes in Pain Management.

ADOPTION OF RESOLUTIONS

At the request of Senator Bullard—

By Senator Bullard—

SR 1784—A resolution recognizing and commending Charles Edward Bell.

WHEREAS, Charles Edward Bell was born on October 26, 1928, in Sanford, North Carolina, earned his Bachelor of Science in Business Administration in 1950 from Wake Forest University, enlisted in the United States Army, graduated from Officer Candidate School, commanded an intelligence cell in the Korean War, and, following his honorable discharge, served as a Captain in the Army Reserve for 5 years, and

WHEREAS, while employed by J.C. Penney Company in 1970, Mr. Bell moved his family to Perrine, Florida, to open a J.C. Penney store in the Dadeland Mall, and under his dynamic leadership, the store became the leader in retail sales volume among all J.C. Penney stores in the Southeastern Region of the United States, and

WHEREAS, when Mr. Bell moved to Dade County, he resumed his robust involvement in civic affairs, joining the Greater South Dade County Chamber of Commerce, serving as chair of the Chamber's Military Affairs Committee and as a member of the Chamber's Board of Directors; joining the Perrine-Cutler Ridge Rotary Club and serving as the Club's President; and serving as a member of the Board of Directors of the U.S.O., as a member of the Board of Directors for Community Health of South Dade, Inc., and as chair of the Council of Ministries of Cutler Ridge United Methodist Church, and

WHEREAS, Mr. Bell served as chair of the Advisory Board of the Senior Employment Council, chair of the Rotary Youth Exchange Outbound Committee, and as chair of Rotary District 6990 Disaster Relief Committee, where he oversaw distribution of over \$1 million donated by Rotary Clubs worldwide to aid in providing relief to local residents who suffered catastrophic losses from the devastation caused by Hurricane Andrew, and was also a founding member of the Perrine-Cutler Ridge Council, served as a member of the Council's Board of Directors from 1998 to 2003, and at the time of his recent passing, was the Council's Director Emeritus, NOW, THEREFORE,

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

That the Florida Senate posthumously recognizes and commends Charles Bell for his exemplary life, as a husband and father, as a distinguished Army officer, as a successful businessman, and as a dynamic civic leader who selflessly rendered invaluable community service to those who reside in Perrine, Cutler Ridge, and Dade County, Florida.

—**SR 1784** was introduced, read and adopted by publication.

At the request of Senator Saunders—

By Senator Saunders—

SR 2478—A resolution recognizing May 2004 as "Alpha-1 Awareness Month" in Florida.

WHEREAS, Alpha-1 Antitrypsin Deficiency (Alpha-1) is one of the most common serious hereditary disorders in the world, is caused by a defective gene, and can result in life-threatening liver disease in children and adults or in lung disease in adults, and

WHEREAS, Alpha-1 has been identified in virtually all populations afflicting an estimated 100,000 Americans and a similar number in Europe, while more than 25 million people in the United States are believed to be carriers of the defective gene and may pass the gene on to their children, and

WHEREAS, as a result of under-diagnosis, or misdiagnosis as chronic obstructive pulmonary disease or asthma, Alpha-1 has been detected in fewer than 10 percent of those who are believed to suffer from the disorder, often taking an average of five different physicians and 7 years from the time symptoms first appear before the simple blood test required to make a correct diagnosis is administered and the disorder is identified, and

WHEREAS, originating in the liver, Alpha-1 can lead to liver or lung failure at any time in life, is the most frequent genetic cause of disability and early death of afflicted persons, is the leading genetic cause for liver transplantation in children, and is a major reason for lung transplant, and

WHEREAS, increased awareness of Alpha-1 and its genetic cause will result in earlier detection and more appropriate treatment of the disorder, sparing those it afflicts from enduring the persistence of the debilitation imposed by misdiagnosis of the disorder, NOW, THEREFORE,

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

That the Florida Senate recognizes May 2004 as "Alpha-1 Awareness Month" in Florida, and encourages all who reside in this state to become knowledgeable about the cause of the disorder, its symptoms, and the diagnostic procedures most likely to lead to early detection and appropriate treatment.

—**SR 2478** was introduced, read and adopted by publication.

At the request of Senator Lawson—

By Senator Lawson—

SR 3138—A resolution recognizing the accomplishments of the 2003-2004 Florida A & M University Men's Basketball Team.

WHEREAS, the Florida A & M University Rattlers, under the leadership of Head Coach Mike Gillespie, rebounded from a 1-10 start this year to post the school's second straight winning season in Mid-Eastern Athletic Conference play - the first time since 1991-1992 for such a feat, and

WHEREAS, the Rattlers defeated three of the top four seeds to win the 2004 Mid-Eastern Athletic Conference Basketball Tournament Championship in Richmond, Virginia, earning the school's first MEAC Tournament title since 1999, and

WHEREAS, the team also won the school's first-ever opening round NCAA Tournament game, a 72-57 win over Lehigh (Pa.) University in Dayton, Ohio, March 16, and

WHEREAS, the Rattlers went on to show tremendous fortitude and drive in pushing the top-ranked University of Kentucky Wildcats to the brink, before bowing out, 96-76, in the first round of the NCAA St. Louis Regional on March 19, and

WHEREAS, Florida A & M University also produced the nation's leading three-point shooter this year in senior guard Terrence Woods, who led the nation for 2 consecutive years and finished his career 11th all-time in NCAA Division One history in three-point shooting, and

WHEREAS, Terrence Woods brought further distinction to Florida A & M University by winning a nationally televised three-point shootout over a field of seven major college performers in San Antonio, Texas, on April 1, and

WHEREAS, Head Coach Mike Gillespie, Sr., has revived the fortunes of Rattler Basketball, lifting the team from a six-win season the year prior to his arrival to 41 victories, an MEAC Tournament title, an NCAA Tournament win, and back-to-back winning records in conference play for the first time in 10 years, as well as a nearly 100 percent graduation rate in 3 years at Florida A & M University, NOW, THEREFORE,

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

That the Florida A & M University "Rattlers" 2003-2004 Men's Basketball Team and their Head Coach Mike Gillespie, Sr., and his coaching staff are commended for their fine achievements and for the honor and recognition they have brought to the State of Florida.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Coach Gillespie on behalf of the Florida A & M University Men's Basketball Team as an expression of the sentiments of the Florida Senate.

—**SR 3138** was introduced, read and adopted by publication.

At the request of Senator Smith—

By Senator Smith—

SR 3164—A resolution recognizing April 2004 as Cancer Control Awareness Month.

WHEREAS, cancer will strike approximately one out of two men and about one out of every three women, and

WHEREAS, cancer accounts for one out of every four deaths, and is second only to heart disease as the leading cause of death, and

WHEREAS, the American Cancer Society estimates that more than 97,000 new cases of cancer in Florida will be diagnosed and more than 40,000 Floridians will die from cancer during 2004, and

WHEREAS, many cancers are prevented by lifestyle changes and can be cured if detected early and treated promptly, and

WHEREAS, as many as one-third of the cancer deaths expected in Florida this year will be related to poor nutrition, physical inactivity,

obesity, and other lifestyle factors, and thus, might have been prevented, and

WHEREAS, almost half of all Floridians who continue to smoke may expect to die prematurely from lung cancer or other tobacco-related diseases, and

WHEREAS, 30 percent of all cancer deaths and 87 percent of all lung deaths are caused by smoking cigarettes or other tobacco products, and

WHEREAS, the 5-year survival rate for all cancers combined is 63 percent, but survival rates may increase significantly for certain cancers such as breast, cervical, and colorectal cancers when they are detected and treated early, and

WHEREAS, rates of cancer incidence and death in Florida may be significantly reduced with increased awareness of the American Cancer Society's cancer screening guidelines and compliance with those screening guidelines, and

WHEREAS, promotion of Cancer Control Awareness Month and statewide cancer control initiatives, such as the Florida Dialogue on Cancer sponsored by the American Cancer Society, may assist Florida in significantly reducing the burden of cancer Floridians and the state face, NOW, THEREFORE,

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

That the month of April 2004 is recognized as Cancer Control Awareness Month in Florida and all Floridians are urged to understand the risks associated with cancer, change behaviors that increase cancer risks, and follow the American Cancer Society's cancer screening guidelines.

—**SR 3164** was introduced, read and adopted by publication.

By direction of the President, the rules were waived and the Senate proceeded to—

BILLS ON THIRD READING

On motion by Senator Smith, by unanimous consent—

CS for CS for SB 2962—A bill to be entitled An act relating to the state judicial system; amending s. 25.241, F.S.; authorizing the Supreme Court to impose certain appearance fees on certain attorneys; providing for deposit of such fees into the state courts Grants and Donations Trust Fund; amending s. 25.383, F.S.; requiring the Supreme Court to determine court reporter certification administration fees; providing for deposit of such fees into the state courts Grants and Donations Trust Fund; clarifying state attorney authorization to charge certain fees for discovery; amending 25.384, F.S.; revising purposes for which Court Education Trust Fund moneys must be used; amending s. 27.02, F.S.; authorizing state attorneys to appear in certain courts to prosecute certain special laws and local ordinances; providing for reimbursement of state attorneys for such prosecutions; amending s. 27.34, F.S.; authorizing counties and municipalities to contract with, or appropriate or contribute funds to the operation of, various state attorneys; requiring state attorneys to contract with counties and municipalities to recover the costs of certain services or reimburse the state for costs of assigning certain attorneys for work on behalf of the counties or municipalities; providing contract requirements; specifying amounts of rates or costs; providing for deposit of payments into the state courts Grants and Donations Trust Fund; clarifying a prohibition against certain state attorneys from receiving any supplemental salary under certain circumstances; requiring the Chief Financial Officer to contract with the public defender to provide certain indigent representation under certain circumstances; providing contract authorizations; prohibiting state attorneys from spending certain state funds on county funding obligations; providing exceptions; requiring a state attorney to request reimbursement by a county for certain authorized short-term advance funding under certain circumstances; providing limitations on such funding; providing for deposit of reimbursement payments into the General Revenue Fund; amending s. 27.40, F.S.; clarifying when a circuit Article V indigent services committee must maintain and use a registry of counsel; revising requirements; amending s. 27.42, F.S.; clarifying membership of Article V indigent services committees; clarifying when a circuit Article V indigent services

committee must maintain and use a registry of counsel; revising registry use requirements; revising fee and expense allowance rate schedule criteria; including the Governor and Chief Justice of the Supreme Court in a distribution list for certain reports; requiring the Justice Administrative Commission to provide staff support for such committees from appropriated funds; specifying separate appropriations for certain attorney's fees and expenses and other funds; requiring the Justice Administrative Commission to separately track private court-appointed counsel expenditures by category; amending s. 27.51, F.S.; expanding representation responsibilities of public defenders to include violations of special laws or local ordinances; providing contracting requirements; providing limitations; revising representation requirements; clarifying appeal procedures; amending s. 27.52, F.S.; revising provisions relating to determining indigent status of defendants; authorizing clerks of court to contract for such determinations; providing application fee requirements and procedures; specifying certain required financial information; specifying criteria for indigent status; specifying distributions of application fees; deleting certain affidavit requirements; providing for disposition of certain amounts recovered from certain persons; amending s. 27.5303, F.S.; revising standards for determining counsel's conflict of interest in certain cases; revising compensation of private court-appointed counsel provisions; amending s. 27.5304, F.S.; revising compensation of private court-appointed counsel provisions; amending s. 27.54, F.S.; requiring public defenders to contract with counties and municipalities to recover the costs of certain services or reimburse the state for costs of assigning certain attorneys for work on behalf of the counties or municipalities; providing contract requirements; specifying amounts of rates or costs; providing for deposit of payments into the state courts Grants and Donations Trust Fund; prohibiting public defenders from spending certain state funds on county funding obligations; providing exceptions; requiring a public defender to request reimbursement by a county for certain authorized short-term advance funding under certain circumstances; providing limitations on such funding; providing for deposit of reimbursement payments into the General Revenue Fund; amending s. 27.562, F.S.; providing for distribution of funds collected pursuant to provisions providing for legal assistance and liens and payments of attorney's fees or costs of a public defender; amending s. 28.101, F.S.; increasing a charge for petitions for dissolution of marriage; amending s. 28.24, F.S.; clarifying access to public records by court personnel, state attorneys, public defenders, and guardians ad litem; providing for administrative fees for partial payments and payment plans; amending s. 28.2401, F.S.; increasing the additional service charge on petitions seeking summary administration in probate matters; providing for distribution of the increase; amending s. 28.2402, F.S.; reducing the filing fee for a county or municipality to file a code or ordinance violation in court; providing a court cost to be assessed against the nonprevailing party; requiring allocation of certain fines to the clerk of the court to offset certain costs relating to processing violations special laws and local ordinances; amending s. 28.241, F.S.; revising filing fees for trial and appellate proceedings; providing exemptions from certain filing fee requirements; providing for deferring such fees for indigent persons; revising distributions of such filing fees; establishing a fee to be paid by counsel appearing pro hac vice before the circuit court; amending s. 28.245, F.S.; requiring electronic transmittal to the Department of Revenue of moneys collected by clerks of court for subsequent distribution to state entities; requiring moneys collected by clerks of court to be distributed pursuant to the law in effect at time of collection; amending s. 28.246, F.S.; revising court-related fees, charges, and costs information reporting requirements; requiring separate identification of certain amounts; requiring certain persons to enroll in payment programs under certain circumstances; revising a funds distribution priority provision; authorizing clerks to impose and collect certain service charges for certain purposes; providing for collection fees to be in addition to certain amounts; amending s. 28.345, F.S.; limiting an exemption from certain court-related fees and charges; amending s. 28.35, F.S.; replacing the Clerk of Court Operations conference with the not-for-profit Florida Clerks of Court Conference, Inc.; providing organizational and operational requirements; providing for a governing board of directors; providing for board membership; revising duties of the conference; providing requirements for and limitations on court-related functions clerks may fund from certain fees, charges, costs, and fines; providing for conference funding; amending s. 28.36, F.S.; revising certain budget proposal and operations procedures for court-related functions of clerks of court; providing limitations; revising requirements; providing reporting requirements for certain funds insufficiencies; providing responsibilities of the Department of Revenue; authorizing clerks of court to retain certain funds under certain revenue deficit conditions; revising budget proposal

and implementation requirements for clerks of court; providing for reimbursement of the Clerks of the Court Trust Fund for certain ineligible budget expenditures for certain purposes; requiring the department to certify certain budgets; amending s. 28.37, F.S.; changing the date for remittance of revenues by clerks of the court; requiring clerks operating as fee officers for court-related services to determine certain fees and expenses for such services; providing for remittance of certain excess fees to a county; requiring certain deficits to be funded by a county; revising payment procedures; deleting Department of Revenue authority to adopt rules providing for penalties for failure to comply with remittance; amending s. 29.005, F.S.; clarifying witnesses to be paid from state revenue when summoned by a state attorney; requiring certain motor vehicles and transportation services to be transferred to the state; amending s. 29.006, F.S.; clarifying witnesses to be paid from state revenue when summoned by a public defender; amending s. 29.008, F.S.; revising county funding requirements for certain equipment and support staff; revising definitions; establishing funding levels for legal aid programs; requiring the Department of Revenue to withhold certain revenue sharing receipts from certain counties under certain circumstances; specifying criteria for amounts withheld; requiring the state to apply amounts withheld to certain to certain payments; creating s. 29.0086, F.S.; creating the Article V Technology Board; providing for membership; providing duties and responsibilities of the board; requiring a report to Legislature; providing for future repeal; amending s. 29.016, F.S.; revising purposes for which judicial branch contingency funds may be used; amending s. 34.01, F.S.; deleting a requirement that parties instituting civil actions, suits, or proceedings pay certain fees and charges to the clerk; correcting a cross-reference; amending s. 34.041, F.S.; requiring parties instituting civil actions, suits, or proceedings in county court to pay certain filing fees; providing for allocation of such fees; providing certain exemptions from such fees; clarifying application to nonindigent parties; providing for filing fees in appellate proceedings; authorizing clerks to impose a fee upon attorneys appearing pro hac vice; providing for deposit of such fees; creating s. 34.045, F.S.; providing for certain payments in lieu of filing fees for certain filings in county court; providing requirements and limitations; providing allocations of certain fines to offset costs incurred by clerks in performing court-related functions associated with violations of special laws or local ordinances; amending s. 34.191, F.S.; revising distribution requirements for fines and forfeitures arising from offenses tried in county court; amending s. 35.22, F.S.; providing for collecting certain filing fees and services charges; establishing a fee to be paid by counsel appearing pro hac vice before a district court of appeal; amending s. 39.0134, F.S.; providing for compensation of appointed counsel in termination of parental rights proceedings; amending s. 40.29, F.S.; requiring state attorneys, public defenders, and clerks of court to provide the Justice Administrative Commission with estimates of required payments for witnesses; providing exceptions; providing for payment of certain invoices by clerks and the commission; amending s. 40.32, F.S.; revising payment disbursement requirements and procedures for clerks of court; amending s. 40.33, F.S.; revising procedures for deficiencies in certain funds; creating s. 40.361, F.S.; providing for applicability of laws relating to state budgeting and finances; amending s. 43.16, F.S.; exempting the Justice Administrative Commission from certain fees; amending s. 44.103, F.S.; revising provisions for compensating arbitrators; amending s. 44.108, F.S.; revising provisions for funding of mediation and arbitration; amending s. 45.031, F.S.; increasing a service charge for certain services in sales by clerks; creating s. 50.0711, F.S.; authorizing clerks of circuit courts to establish a court docket fund for paying for publishing notice of certain filings in certain newspapers; providing for funding by an additional service charge to certain filing fees; providing fund use requirements; providing for designating and funding certain newspapers for purposes of such publications; providing publication requirements for such newspapers; amending ss. 55.10 and 55.141, F.S.; clarifying provisions relating to fees and charges for clerks for certain services; amending s. 57.085, F.S.; clarifying certain provisions relating deferral of prepayment of court costs and fees for indigent prisoners; amending s. 61.14, F.S.; recharacterizing certain fees as service charges; increasing a certain charge; amending s. 61.181, F.S.; deleting an obsolete time period reference; amending s. 125.69, F.S.; deleting a provision authorizing certain persons to prosecute special laws and county ordinances; requiring counties to pay attorneys appointed by court to represent certain indigent defendants; authorizing a county to contract with the public defender for representation in certain cases; amending s. 129.02, F.S.; revising a county fine and forfeiture fund budget provision; amending s. 142.01, F.S.; specifying constituent funding sources for clerk of circuit court fine and forfeiture funds; amending s. 142.03, F.S.; revising

provisions providing for disposition of fines, forfeitures, and civil penalties municipalities; amending s. 142.09, F.S.; requiring certain fees of witnesses and officers arising from criminal causes to be paid by the state; providing an exception; amending s. 218.245, F.S.; providing additional distribution requirements for revenues attributed to increase in distribution to the Revenue Sharing Trust Fund for Municipalities; amending s. 318.14, F.S.; providing for deposit of certain court costs into a fine and forfeiture fund instead of being retained by a county; amending s. 318.15, F.S.; recharacterizing and increasing certain fees; providing for an alternative distribution certain charges; amending s. 318.18, F.S.; clarifying application of certain civil penalty deposit provisions; authorizing boards of county commissioners to impose by ordinance a surcharge for certain infractions or violations for payment of certain bond principal and interest payments; prohibiting court waiver of the surcharge; providing limitations; amending s. 318.21, F.S.; providing for deposit of certain funds in the Grants and Donations Trust Fund in the Justice Administrative Commission rather than such fund in the state courts system; deleting a requirement that a certain percentage of certain civil penalties be deposited into the General Revenue Fund; deleting a provision requiring certain moneys paid counties to be used for funding local criminal training under certain circumstances; amending s. 318.325, F.S.; providing that county and municipal parking fine revenues are subject to any applicable provisions of s. 318.21, F.S.; eliminating a requirement that county and municipal parking fine revenues be paid monthly to the county or municipality; eliminating a requirement that court costs assessed by a hearing officer be paid to the county; amending s. 321.05, F.S.; specifying a fine and forfeiture fund designation provision; amending s. 322.245, F.S.; requiring the Department of Highway Safety and Motor Vehicles to suspend the driver license of persons failing to pay certain financial obligations for certain criminal offenses; providing for reinstatement under certain circumstances; providing the department with immunity from liability for such license suspensions; amending s. 327.73, F.S.; increasing a dismissal fee; amending s. 372.72, F.S.; specifying a fine and forfeiture fund designation provision; amending s. 382.023, F.S.; specifying the clerk of the circuit court as the entity to retain a portion of a certain filing fee; amending ss. 384.288 and 392.68, F.S.; revising provisions providing for compensation of certain personnel for certain services and taxation of certain fees and charges as court costs; amending s. 394.473, F.S.; providing for compensation of attorneys and expert witnesses in cases involving indigent persons; amending s. 395.3025, F.S.; clarifying certain patient records copying charge provisions; amending s. 397.334, F.S.; clarifying authority of counties to use certain alternative moneys to fund treatment-based drug court programs; amending s. 713.24, F.S.; recharacterizing a fee as a service charge; amending s. 721.83, F.S.; providing additional limitations on complaints in certain timeshare estate foreclosure proceedings; providing criteria for consolidate timeshare foreclosure actions; providing for an additional filing fee for joined timeshare estates; amending s. 741.01, F.S.; increasing a fee charged for issuance of a marriage license; amending s. 744.331, F.S.; requiring the state to pay certain fees instead of counties in certain cases involving indigents; amending ss. 744.365 and 744.3678, F.S.; providing for deferral rather than waiver of certain fees; amending s. 766.104, F.S.; increasing a filing fee in certain medical negligence case proceedings; deleting a requirement that the fee be established by the chief judge; amending s. 903.035, F.S.; removing a county attorney from certain notification of bail modification application requirements; amending s. 903.26, F.S.; specifying a fine and forfeiture fund designation provision; providing for application of certain provisions to state attorneys instead of county attorneys; amending s. 903.28, F.S.; removing a county attorney from certain notification of certain remission of forfeiture application requirements; amending s. 925.09, F.S.; requiring counties to pay reasonable fees to physicians performing autopsies; creating s. 938.10, F.S.; imposing an additional court cost against persons who plead guilty or nolo contendere to, or who are found guilty of, certain crimes against minors; requiring the clerk of the court to transfer the proceeds of the court cost to the Department of Revenue for deposit into a specified trust fund to be used to fund children's advocacy centers; requiring the clerk of the court to retain a portion of the court cost as a service charge; requiring annual reports; requiring a report to the Legislature; amending s. 39.3035, F.S.; requiring compliance with specified statutory provisions in order for a child advocacy center to receive certain funding; directing the Florida Network of Children's Advocacy Centers, Inc., to document such compliance; amending s. 938.17, F.S.; providing for juvenile assessment centers and school board suspension programs; revising provisions relating to county delinquency prevention; amending s. 938.29, F.S.; deleting a provision authorizing county clerks to contract to collect certain debts or liens; amending s. 938.35, F.S.; authorizing governing

bodies of municipalities to pursue collection of fees, charges, fines, and costs under certain circumstances; authorizing collection fees and attorney fees to be added to certain balances owed; creating s. 939.185, F.S.; authorizing boards of county commissioners to adopt by ordinance additional court costs for certain pleadings and findings of guilt; limiting uses; specifying allocations; providing priorities of disbursements; deleting an annual financial reporting requirement; amending s. 960.001, F.S.; clarifying application of certain witness notification provisions; amending s. 985.203, F.S.; correcting a cross reference; amending s. 149, ch. 2003-402, Laws of Florida; providing for repeal of certain fees, service charges, and costs imposed by county ordinance and special law; providing legislative intent; providing a legislative declaration of important state interest; providing requirements for remittance of court-related assessments retained by clerks of court; requiring cash balances on a certain date in county funds established for certain court-related program purposes to be used for such purposes; providing legislative intent relating sharing of due process costs; providing for state funding of certain due process services; authorizing contractual agreements to share costs associated with certain due process services; requiring the Division of Statutory Revision to redesignate the title of chapter 40, F.S.; requiring counties to pay for certain billings of certain due process services and certain flat-fee-per-case payments; providing submittal requirements for billings for certain services; requiring the Office of the State Courts Administrator to annually prepare and disseminate a manual of court-related fees, charges, costs, and fines; requiring the Department of Management Services, with the assistance of the Auditor General, to review procurement of certain state-funded services; providing requirements; requiring a report; authorizing the department to assist the Office of the State Courts Administrator and the Justice Administrative Commission with competitive solicitations for procurement of certain state-funded services; repealing s. 11.75, F.S., relating to the Joint Legislative Committee on Article V of the State Constitution; repealing s. 40.30, F.S., relating to required juror and witness payment requisition endorsements by the State Courts Administrator or a designee; repealing s. 142.04, F.S., relating to a requirement that clerk of court issue certain certificates to witnesses; repealing s. 142.05, F.S., relating to a prohibition against a clerk of court receiving certain fees; repealing s. 142.06, F.S., relating to a prescribed payroll form; repealing s. 142.07, F.S., relating to clerk of court payroll requirements; repealing s. 142.08, F.S., relating to clerk responsibility for certain certificates; repealing s. 142.10, F.S., relating to certain required officer accounts; repealing s. 142.11, F.S., relating to powers and duties of county commissioners relating to accounts; repealing s. 142.12, F.S., relating to audit requirements of county commissioners; repealing s. 142.13, F.S., relating to a right of an officer to test the validity of certain bills or accounts; repealing s. 939.18, F.S., relating to court assessments of additional court costs for court facilities; requiring the Department of Revenue to adopt rules; providing requirements; authorizing the Department of Financial Services to adopt rules; providing appropriations; providing effective dates.

—as amended April 27 was taken up out of order and read the third time by title.

MOTION

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

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

Amendment 1 (333356)—On page 151, between lines 7 and 8, insert:

Section 107. *The sum of \$2,500,000 is appropriated from the Domestic Violence Trust Fund to the Department of Children and Family Services for the purpose of funding the operational costs of certified domestic violence shelters for the 2004-2005 fiscal year.*

Section 108. *The sum of \$900,000 is appropriated from the Grants and Donations Trust Fund to the Department of Children and Family Services for the purpose of funding children's advocacy centers pursuant to section 938.10, Florida Statutes, for the 2004-2005 fiscal year.*

(Redesignate subsequent sections.)

On motion by Senator Smith, **CS for CS for SB 2962** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

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
Peadar
Pruitt
Saunders
Sebesta
Siplin
Smith
Villalobos
Wasserman Schultz
Webster
Wilson
Wise

Nays—1

Posey

By direction of the President, the rules were waived and the Senate reverted to—

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Lee, by two-thirds vote **CS for CS for SB 1562** and **CS for SB 2956** were withdrawn from the Committee on Rules and Calendar; **CS for SB 1632** was withdrawn from the Committee on Criminal Justice; **CS for SB 2294** was withdrawn from the Committees on Appropriations Subcommittee on Transportation and Economic Development; and Appropriations; and **CS for SB 2926** was withdrawn from the Committee on Judiciary.

BILLS ON THIRD READING, continued

Consideration of **CS for CS for SB 3036, HB 349** and **CS for CS for SB 546** was deferred.

CS for SB's 1940 and 2636—A bill to be entitled An act relating to games and gaming; providing a popular name; amending s. 849.0931, F.S.; defining the terms “instant bingo” and “deal”; providing rules for the operation of instant bingo games; providing penalties; providing requirements for the manufacture and sale of instant bingo tickets; providing duties of the Department of the Lottery; reenacting ss. 718.114 and 723.079(8), F.S., relating to condominiums and homeowners’ associations, to incorporate the amendment to s. 849.0931, F.S., in references thereto; amending s. 849.161, F.S.; revising provisions exempting certain amusement centers from the application of gambling regulations; restricting the use of points or coupons received by players in arcade amusement centers; providing an exemption from regulation for certain children’s amusement centers; clarifying a reference; prohibiting gambling devices at arcade amusement centers; providing that, with respect to arcade amusement centers, local governments may establish or amend the zoning map designation of a parcel or parcels of land or change the actual list of permitted, conditional, or prohibited uses within a zoning category; authorizing local governments to limit the hours of operation of arcade amusement centers and limit the number of machines in such centers; providing an effective date.

—as amended April 27 was read the third time by title.

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

Amendment 1 (022228)(with title amendment)—On page 14, between lines 7 and 8, insert:

Section 6. *If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 31, after the semicolon (;) insert: providing for severability;

MOTION

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

Senators Geller and Garcia offered the following amendment which was moved by Senator Geller and adopted by two-thirds vote:

Amendment 2 (514288)(with title amendment)—On page 14, between lines 7 and 8, insert:

Section 6. Subsection (3) of section 849.094, Florida Statutes, is amended to read:

849.094 Game promotion in connection with sale of consumer products or services.—

(3) The operator of a game promotion in which the total announced value of the prizes offered is greater than \$5,000 shall file with the Department of Agriculture and Consumer Services a copy of the rules and regulations of the game promotion and a list of all prizes and prize categories offered at least 7 days before the commencement of the game promotion. Such rules and regulations may not thereafter be changed, modified, or altered. The operator of a game promotion shall conspicuously post the rules and regulations of such game promotion in each and every retail outlet or place where such game promotion may be played or participated in by the public and shall also publish the *material terms of the rules and regulations* in all advertising copy used in connection therewith. Radio and television announcements may indicate that the rules and regulations are available at retail outlets or from the operator of the promotion. A nonrefundable filing fee of \$100 shall accompany each filing and shall be used to pay the costs incurred in administering and enforcing the provisions of this section.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 31, following the semicolon (;) insert: amending s. 849.094, F.S.; requiring operators of game promotions to post the terms of game rules in advertising;

On motion by Senator Geller, **CS for SB's 1940 and 2636** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

Mr. President	Crist	Lee
Alexander	Dawson	Lynn
Argenziano	Dockery	Margolis
Aronberg	Fasano	Miller
Atwater	Garcia	Pruitt
Bennett	Geller	Saunders
Bullard	Haridopolos	Siplin
Campbell	Hill	Villalobos
Clary	Jones	Wasserman Schultz
Constantine	Klein	Wilson
Cowin	Lawson	

Nays—5

Carlton	Sebesta	Wise
Posey	Webster	

Vote after roll call:

Nay—Peaden

Consideration of **CS for SB 2412**, **CS for CS for CS for SB 1174** and **CS for CS for SB 2842** was deferred.

CS for CS for SB 528—A bill to be entitled An act relating to regulation of the funeral and cemetery industry; providing a short title; creating in the Department of Financial Services the Division of Funeral, Cemetery, and Consumer Services; creating in the Department of Financial Services the Board of Funeral, Cemetery, and Consumer Services; abolishing the Board of Funeral and Cemetery Services; abolishing the Board of Funeral Directors and Embalmers; consolidating regulation under chs. 470 and 497, F.S., into ch. 497, F.S., under the Board of Funeral, Cemetery, and Consumer Services in the Department of Financial Services; removing responsibility regarding ch. 470, F.S., from the Department of Business and Professional Regulation; dividing ch. 497, F.S., into part I relating to general provisions, part II relating to cemetery regulation, part III relating to funeral directing, embalming, and related services, part IV relating to preneed sales, part V relating to monument establishments, and part VI relating to cremation, crematories, and direct disposition; providing for the continued validity of licenses, registrations, and certificates issued under chs. 470 and 497, F.S.; providing for continued validity of rules of the Board of Funeral and Cemetery Services, the Board of Funeral Directors and Embalmers, and the Department of Business and Professional Regulation, adopted under or in relation to ch. 470, F.S., or ch. 497, F.S.; providing for continued validity of orders entered by the Board of Funeral and Cemetery Services, the Board of Funeral Directors and Embalmers, and the Department of Business and Professional Regulation for or in relation to the enforcement of ch. 470, F.S., or ch. 497, F.S.; providing for the substitution of the Department of Financial Services and the Board of Funeral, Cemetery, and Consumer Services as parties in pending litigation; providing for type two transfers; providing for a transitional timeline and procedures; eliminating or consolidating duplicative provisions from chs. 470 and 497, F.S.; replacing references to registrations, registrants, certificates, and certificateholders with references to licenses and licensees; conforming internal statutory references; amending ss. 497.001, 497.002, 497.005, 497.101, 497.103, and 497.107, F.S., to conform; amending and renumbering ss. 470.006, 470.007, 470.008, 470.0085, 470.0087, 470.009, 470.011, 470.012, 470.013, 470.014, 470.015, 470.016, 470.0165, 470.017, 470.018, 470.0201, 470.021, 470.022, 470.024, 470.025, 470.0255, 470.026, 470.029, 470.0294, 470.0295, 470.0301, 470.0315, 470.032, 470.0355, 470.0375, 470.038, 470.039, 470.0395, 497.003, 497.004, 497.025, 497.0255, 497.121, 497.133, 497.201, 497.205, 497.213, 497.229, 497.237, 497.241, 497.245, 497.249, 497.253, 497.255, 497.257, 497.305, 497.309, 497.313, 497.317, 497.321, 497.325, 497.329, 497.333, 497.337, 497.345, 497.349, 497.353, 497.357, 497.361, 497.401, 497.403, 497.405, 497.407, 497.409, 497.411, 497.413, 497.415, 497.417, 497.419, 497.421, 497.423, 497.425, 497.427, 497.429, 497.436, 497.437, 497.439, 497.441, 497.525, 497.527, and 497.531, F.S., to conform; creating ss. 497.0021, 497.141, 497.142, 497.143, 497.144, 497.145, 497.146, 497.147, 497.148, 497.149, 497.150, 497.151, 497.152, 497.153, 497.156, 497.157, 497.159, 497.161, 497.163, 497.166, 497.167, 497.168, 497.274, 497.275, 497.365, 497.366, 497.367, 497.551, 497.552, 497.553, 497.554, 497.555, 497.556, and 497.608, F.S.; amending chapter name; clarifying purpose and intent of chapter; amending and providing additional definitions; creating the Board of Funeral, Cemetery, and Consumer Services, identifying criteria for membership, describing procedures for appointment of members, and providing administrative procedures regarding operation; allocating authority and responsibility between the board and the Department of Financial Services; providing procedures for establishing and processing fees; providing for creation of disciplinary guidelines; providing for the issuance of disciplinary citations; providing authority for judicial actions to terminate violations and abate nuisances; establishing health and safety education requirements; establishing authority and requirements for the regulation of solicitation of goods and services; establishing liability of owners and others for trust fund deficits; authorizing and clarifying provisions regarding private actions; prohibiting unauthorized arrangements for the sale of funeral or burial merchandise services; clarifying authority and procedures regarding complaints against unlicensed cemeteries; establishing prohibitions against discrimination based on race or color; providing procedures for the transfer of cemetery licenses; requiring reference to authorizing statute in trust instrument's; clarifying requirements for minimum acreage in cemeteries; establishing requirements for sale, leasing, or encumbering cemetery lands; amending requirements regarding illegal tying arrangements; establishing requirements regarding burial rights brokers; establishing requirements regarding informational brochures to be provided by cemeteries to customers; authorizing payment of court costs and attorney fees in litigation to enforce reporting requirements by unlicensed cemeteries; authorizing fees to be specified by the board subject to caps; providing rulemaking authority to the board and the department; establishing and clarifying requirements

regarding the processing of the human bodies; establishing requirements for the approval of preneed contract forms and related forms; authorizing rules regarding the reliance by preneed trustees on the advice of investment advisers, and restricting payments to investment advisers; establishing restrictions on the investing or loaning of preneed trust funds; providing additional authority in the board concerning orders to liquidate specified preneed trust fund investments; providing additional authority in the board regarding the requirements of preneed trust instrument's; providing requirements and additional authority in the board regarding surrender of preneed licenses; providing procedures and requirements regarding application and issuance of licenses to preneed sales agents; clarifying and establishing requirements regarding persons legally authorized to authorize burial and funeral services and procedures; clarifying applicability of parts; providing general procedures applicable to licensing; providing authority and procedures regarding submission and processing of fingerprints; providing authority and procedures for limited licensing of retired professionals; providing procedures and requirements regarding licensing examinations; allowing use of professional testing services; providing requirements for notification of licensee change of address; providing procedures and requirements for continuing education; providing requirements for monitoring of continuing education by licensees; providing procedures and authority for investigations, inspections, and hearings to be conducted by the department; providing procedures and authority for financial and compliance examinations of licensees by the department; establishing requirements and authority regarding retention of complaints and creation of complaint logs; establishing grounds for disciplinary action; establishing disciplinary procedures and authorizing penalties; providing authority and procedures for action against unlicensed practice; identifying conduct constituting criminal violations; authorizing and providing procedures for receivership proceedings; authorizing rules; providing restrictions in relation to citizenship; establishing responsibility of licensees regarding preneed sales by persons under their supervision; clarifying the relationship of part IV to other parts of the chapter; requiring toll-free telephone hotline; identifying and providing authority and procedures regarding executive director of the board; establishing requirements for submission for budget; establishing requirements for training program for the board members; authorizing newsletters and other informational communications with licensees; authorizing screen of licensed records in relation to child support requirements; clarifying status in regard to insurance coverage and immunity of agents retained by the department; authorizing use of disciplinary settlement funds for training of staff; establishing deadlines for completeness of applications for submission and board meetings; authorizing rules record applicants to appear before the board for oral interview by the board; establishing procedures for calculating deadlines for filings by licensees; clarifying status of elected officials licensed under the chapter; providing for presentation of applications to the board by the department; providing standing to the department in judicial proceedings; providing for certain legal services to the board by the Department of Legal Affairs; establishing requirements and authority regarding member of the military reserves; establishing procedures and fees for application for licensure as a cemetery; establishing standards and mapping requirements for grave spaces; establishing requirements for placement of identification tags on grave vaults, mausoleum crypts, and other outer burial containers, in licensed cemeteries; establishing requirements and procedures regarding inactive and delinquent licenses under part III; establishing requirements for sending renewal and cancellation of licensed notices; establishing requirements for instruction on HIV and AIDS; authorizing fees to be determined by the board subject to specified caps; providing rule-making authority to the board and department; establishing and clarifying requirements regarding the handling and processing of dead human bodies; establishing requirements regarding identification of human remains in licensed and unlicensed cemeteries, and by direct disposal establishments; establishing procedures and requirements regarding application for preneed license; authorizing issuance of licenses on probationary status; establishing procedures and requirements for change in control of the preneed license; establishing requirements regarding renewal of preneed licenses; establishing requirements and procedures for the licensure and operation of preneed branches; establishing requirements regarding reports by preneed trusts; establishing procedures and requirements for the licensure of monument establishment businesses; establishing requirements for the renewal of monument establishment licenses; establishing requirements for approval of sales agreement forms used by monument establishments; establishing requirements for procedures by monument establishments in relation to complaints from customers; establishing requirements for refund of

moneys to customers in regard to failure to deliver monuments according to contract terms; establishing requirements and procedures for the licensing of sales persons employed by monument establishments; establishing procedures and requirements regarding licensure of monument establishments to engage in preneed sales; establishing requirements and procedures for licensure of direct disposers; establishing requirements and procedures for licensure of direct disposal establishments; establishing requirements applicable to the operation of direct disposal establishments; establishing procedures and requirements for the licensure of cinerator facilities; establishing requirements and procedures for the supervision and operation of cinerator facilities; establishing restrictions on liability for unintentional commingling of cremation residues; amending ss. 20.121, 20.165, 316.1974, 381.0098, 382.002, 403.703, 406.02, 406.50, 406.52, 406.53, 455.2226, 501.022, 501.604, 626.785, and 765.519, F.S.; conforming references; repealing ss. 470.001, 470.002, 470.003, 470.005, 470.019, 470.023, 470.027, 470.028, 470.031, 470.033, 470.034, 470.035, 470.036, 497.105, 497.109, 497.111, 497.113, 497.115, 497.117, 497.119, 497.123, 497.125, 497.127, 497.129, 497.131, 497.135, 497.137, 497.209, 497.217, 497.221, 497.225, 497.233, 497.301, 497.341, 497.431, 497.435, 497.443, 497.445, 497.447, 497.515, 497.517, 497.519, and 497.529, F.S., to conform; providing effective dates.

—as amended April 27 was read the third time by title.

On motion by Senator Pruitt, **CS for CS for SB 528** 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

CO-SPONSORS

All Senators voting yea, not previously shown as co-sponsors, were recorded as co-sponsors of **CS for CS for SB 528**.

SB 300—A bill to be entitled An act relating to employees of public schools; amending s. 1012.61, F.S.; deleting a restriction on who may receive annual payments for accumulated sick leave; revising restrictions on the amount of payment which an employee may receive for accumulated sick leave when his or her employment terminates; providing an effective date.

—as amended April 27 was read the third time by title.

On motion by Senator Clary, **SB 300** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

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

Siplin
Smith
Villalobos
Nays—None

Wasserman Schultz
Webster
Wilson
Wise

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

—as amended April 27 was read the third time by title.

On motion by Senator Constantine, **CS for SB's 332, 1912 and 2678** as amended 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
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

Vote after roll call:

Yea—Atwater

HB 327—A bill to be entitled An act relating to the designation of university buildings; designating the FAMU-FSU College of Engineering Building as the “Herbert F. Morgan Building”; designating the Student Life Building at Florida State University as the “Reubin O’D. Askew Student Life Center”; designating the new residence hall complex at Florida State University as “Sherrill Williams Ragans Hall”; designating the Education and Administration Building at the Florida State University College of Medicine as the “John E. Thrasher Building”; requiring a building at the developmental research school at Florida State University to be named for Stan Marshall; naming the Infant and Child Development Center Building at the University of South Florida as the “Archie and Mary Louise Silver Child Development Center”; designating the School of Business and Industry building at Florida Agricultural and Mechanical University as the “Sybil C. Mobley Business Building”; designating the School of Journalism and Graphic Communication building at Florida Agricultural and Mechanical University as the “Thelma Gorham/Robert M. Ruggles Building”; designating the building known as Coquina Hall at the University of South Florida St. Petersburg as “H. William Heller Hall”; providing for the erection of suitable markers; providing effective dates.

—as amended April 27 was read the third time by title.

On motion by Senator Lawson, **HB 327** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Argenziano	Atwater
Alexander	Aronberg	Bennett

HB 1737—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; revising the exemption from public records requirements for personal information contained in a motor vehicle record; removing the requirement that the exemption be conditioned on a request for exemption by the person who is the subject of the record; revising certain conditions under which the Department of Highway Safety and Motor Vehicles may release information in connection with a legal proceeding; revising conditions for the release of information for bulk distribution use; providing for release of information when the department has obtained consent from the subject of the record; providing that the restrictions on the disclosure of information do not affect the use of organ donor information; providing for future repeal and legislative review; providing legislative finding of public necessity; providing an effective date.

—was read the third time by title.

On motion by Senator Sebesta, **HB 1737** was passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Bullard, Wise

Consideration of **CS for SB 244 and 1566, CS for SB 2302, SB 2922, SB 534, CS for SB 552 and CS for SB 630** was deferred.

SPECIAL ORDER CALENDAR

On motion by Senator Clary, by two-thirds vote **HB 1751** was withdrawn from the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

On motion by Senator Clary—

HB 1751—A bill to be entitled An act relating to International Certificate of Education programs; amending s. 1002.20, F.S.; adding programs to list of public school choice options; amending s. 1002.23, F.S.; adding programs to list of rigorous academic programs included in parent guide; amending s. 1007.22, F.S.; adding Advanced International Certificate of

Education programs to acceleration mechanisms requiring postsecondary institution collaboration; amending s. 1007.261, F.S.; revising list of courses designated as advanced level fine arts courses; amending s. 1007.27, F.S.; providing an exemption from examination fees for students enrolled in the International General Certificate of Secondary Education Program; amending s. 1009.531, F.S.; providing additional course weights for Florida Bright Futures Scholarship Program eligibility determination; amending s. 1009.534, F.S.; revising Florida Academic Scholars award eligibility requirements to include students completing or receiving an Advanced International Certificate of Education curriculum or diploma; amending s. 1009.535, F.S.; revising Florida Medallion Scholars award eligibility requirements to include students completing an Advanced International Certificate of Education curriculum; amending s. 1011.62, F.S.; revising test score requirements necessary to generate funding to match current test scoring scale; providing formula for calculating additional full-time equivalent membership based on International General Certificate of Secondary Education examination scores and program completion; reenacting s. 1011.69(2), F.S., relating to equity in school-level funding, to incorporate the amendment to s. 1011.62, F.S., in a reference thereto; providing an effective date.

—a companion measure, was substituted for **SB 2968** and read the second time by title.

Senator Clary moved the following amendment which was adopted:

Amendment 1 (694228)(with title amendment)—On lines 323-334, delete those lines

And the title is amended as follows:

On lines 26-30, delete those lines and insert: match current test scoring scale; reenacting s. 1011.69(2), F.S.;

Pursuant to Rule 4.19, **HB 1751** as amended was placed on the calendar of Bills on Third Reading.

By director of the President, the rules were waived and the Senate reverted to—

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Lee, by two-thirds vote **CS for CS for SB 2188** was withdrawn from the Committees on Appropriations Subcommittee on Transportation and Economic Development; and Appropriations; and **CS for SB 1632** was withdrawn from the Committees on Appropriations Subcommittee on Health and Human Services; and Appropriations.

SPECIAL ORDER CALENDAR, continued

On motion by Senator Lynn—

CS for CS for CS for SB 1698—A bill to be entitled An act relating to foster care services; amending s. 20.19, F.S.; prohibiting certain members of a community alliance from receiving funds from the Department of Children and Family Services or a community-based lead agency; amending s. 409.1671, F.S.; providing additional requirements for an eligible lead community-based provider to compete for a privatization project; requiring contracts with lead community-based providers to include certain standards; revising requirements for the department's quality assurance program for privatized services; directing the Florida Coalition for Children, Inc., to develop a plan for a statewide risk pool for community-based providers that provide foster care and related services under contract with the department or a lead community-based provider; deleting a requirement that the department develop a proposal; specifying the requirements of the plan; extending a submission deadline; revising the process for plan approval; directing the department to issue a loan upon approval of the plan; modifying the purposes of the risk pool; revising the purposes for which funding may be recommended to the Legislature; deleting provisions requiring the creation of a risk pool within the State Treasury; revising the requirements for operating the risk pool; authorizing the risk pool to invest funds and retain interest; providing for payments upon a determination of insolvency; prohibiting payment of dividends until repayment of the loan by the department and until the risk pool is actuarially sound; deleting a

requirement for a performance bond; providing for the risk pool to be managed by the Florida Coalition for Children, Inc., or its designated contractor; specifying the manner by which nonmember entities may be authorized to contract with the department; providing an exemption from state travel policies for community-based providers and subcontractors; providing effective dates.

—was read the second time by title.

Senator Lynn moved the following amendments which were adopted:

Amendment 1 (201832)—On page 6, lines 9-18, delete those lines and insert: protective services. *Such agencies should directly provide no more than 35 percent of all child protective services provided.*

Amendment 2 (723864)—On page 9, line 29, delete “and the Office of Insurance Regulation”

Amendment 3 (052106)—On page 11, line 29 through page 12, line 2, delete those lines and insert: *an independent actuary contracted by the department. The plan shall be developed in consultation with the Office of Insurance Regulation.*

Amendment 4 (951510)(with title amendment)—On page 15, between lines 12 and 13, insert:

Section 3. Section 39.0016, Florida Statutes, is created to read:

39.0016 *Education of abused, neglected, and abandoned children.—*

(1) *As used in this section, the term:*

(a) *“Children known to the department” means children who are found to be dependent or children in shelter care.*

(b) *“Department” means the Department of Children and Family Services or a community-based care lead agency acting on behalf of the Department of Children and Family Services, as appropriate.*

(2) *The provisions of this section establish goals and not rights. This section does not require the delivery of any particular service or level of service in excess of existing appropriations. A person may not maintain a cause of action against the state or any of its subdivisions, agencies, contractors, subcontractors, or agents based upon this section becoming law or failure by the Legislature to provide adequate funding for the achievement of these goals. This section does not require the expenditure of funds to meet the goals established in this section except funds specifically appropriated for such purpose.*

(3) *The department shall enter into an agreement with the Department of Education regarding the education and related care of children known to the department. Such agreement shall be designed to provide educational access to children known to the department for the purpose of facilitating the delivery of services or programs to children known to the department. The agreement shall avoid duplication of services or programs and shall provide for combining resources to maximize the availability or delivery of services or programs.*

(4) *The department shall enter into agreements with district school boards or other local educational entities regarding education and related services for children known to the department who are of school age and children known to the department who are younger than school age but who would otherwise qualify for services from the district school board. Such agreements shall include, but are not limited to:*

(a) *A requirement that the department shall:*

1. *Enroll children known to the department in school. The agreement shall provide for continuing the enrollment of a child known to the department at the same school, if possible, with the goal of avoiding disruption of education.*

2. *Notify the school and school district in which a child known to the department is enrolled of the name and phone number of the child known to the department caregiver and caseworker for child safety purposes.*

3. *Establish a protocol for the department to share information about a child known to the department with the school district, consistent with the Family Educational Rights and Privacy Act, since the sharing of*

information will assist each agency in obtaining education and related services for the benefit of the child.

4. Notify the school district of the department's case planning for a child known to the department, both at the time of plan development and plan review. Within the plan development or review process, the school district may provide information regarding the child known to the department if the school district deems it desirable and appropriate.

(b) A requirement that the district school board shall:

1. Provide the department with a general listing of the services and information available from the district school board, including, but not limited to, the current Sunshine State Standards, the Surrogate Parent Training Manual, and other resources accessible through the Department of Education or local school districts to facilitate educational access for a child known to the department.

2. Identify all educational and other services provided by the school and school district which the school district believes are reasonably necessary to meet the educational needs of a child known to the department.

3. Determine whether transportation is available for a child known to the department when such transportation will avoid a change in school assignment due to a change in residential placement. Recognizing that continued enrollment in the same school throughout the time the child known to the department is in out-of-home care is preferable unless enrollment in the same school would be unsafe or otherwise impractical, the department, the district school board, and the Department of Education shall assess the availability of federal, charitable, or grant funding for such transportation.

4. Provide individualized student intervention or an individual educational plan when a determination has been made through legally appropriate criteria that intervention services are required. The intervention or individual educational plan must include strategies to enable the child known to the department to maximize the attainment of educational goals.

(c) A requirement that the department and the district school board shall cooperate in accessing the services and supports needed for a child known to the department who has or is suspected of having a disability to receive an appropriate education consistent with the Individuals with Disabilities Education Act and state implementing laws, rules, and assurances. Coordination of services for a child known to the department who has or is suspected of having a disability may include:

1. Referral for screening.
2. Sharing of evaluations between the school district and the department where appropriate.
3. Provision of education and related services appropriate for the needs and abilities of the child known to the department.
4. Coordination of services and plans between the school and the residential setting to avoid duplication or conflicting service plans.
5. Appointment of a surrogate parent, consistent with the Individuals with Disabilities Education Act, for educational purposes for a child known to the department who qualifies as soon as the child is determined to be dependent and without a parent to act for the child. The surrogate parent shall be appointed by the school district without regard to where the child known to the department is placed so that one surrogate parent can follow the education of the child known to the department during his or her entire time in state custody.
6. For each child known to the department 14 years of age and older, transition planning by the department and all providers, including the department's independent living program staff, to meet the requirements of the local school district for educational purposes.

(5) The department shall incorporate an education component into all training programs of the department regarding children known to the department. Such training shall be coordinated with the Department of Education and the local school districts. The department shall offer opportunities for education personnel to participate in such training. Such coordination shall include, but not be limited to, notice of training sessions, opportunities to purchase training materials, proposals to avoid

duplication of services by offering joint training, and incorporation of materials available from the Department of Education and local school districts into the department training when appropriate. The department training components shall include:

(a) Training for surrogate parents to include how an ability to learn of a child known to the department is affected by abuse, abandonment, neglect, and removal from the home.

(b) Training for parents in cases in which reunification is the goal, or for preadoptive parents when adoption is the goal, so that such parents learn how to access the services the child known to the department needs and the importance of their involvement in the education of the child known to the department.

(c) Training for caseworkers and foster parents to include information on the right of the child known to the department to an education, the role of an education in the development and adjustment of a child known to the department, the proper ways to access education and related services for the child known to the department, and the importance and strategies for parental involvement in education for the success of the child known to the department.

(d) Training of caseworkers regarding the services and information available through the Department of Education and local school districts, including, but not limited to, the current Sunshine State Standards, the Surrogate Parent Training Manual, and other resources accessible through the Department of Education or local school districts to facilitate educational access for a child known to the department.

Section 4. Paragraph (d) of subsection (3) of section 1002.22, Florida Statutes, is amended to read:

1002.22 Student records and reports; rights of parents and students; notification; penalty.—

(3) RIGHTS OF PARENT OR STUDENT.—The parent of any student who attends or has attended any public school, area technical center, or public postsecondary educational institution shall have the following rights with respect to any records or reports created, maintained, and used by any public educational institution in the state. However, whenever a student has attained 18 years of age, or is attending a postsecondary educational institution, the permission or consent required of, and the rights accorded to, the parents of the student shall thereafter be required of and accorded to the student only, unless the student is a dependent student of such parents as defined in 26 U.S.C. s. 152 (s. 152 of the Internal Revenue Code of 1954). The State Board of Education shall adopt rules whereby parents or students may exercise these rights:

(d) Right of privacy.—Every student shall have a right of privacy with respect to the educational records kept on him or her. Personally identifiable records or reports of a student, and any personal information contained therein, are confidential and exempt from the provisions of s. 119.07(1). A state or local educational agency, board, public school, technical center, or public postsecondary educational institution may not ~~shall~~ permit the release of such records, reports, or information without the written consent of the student's parent, or of the student himself or herself if he or she is qualified as provided in this subsection, to any individual, agency, or organization. However, personally identifiable records or reports of a student may be released to the following persons or organizations without the consent of the student or the student's parent:

1. Officials of schools, school systems, technical centers, or public postsecondary educational institutions in which the student seeks or intends to enroll; and a copy of such records or reports shall be furnished to the parent or student upon request.

2. Other school officials, including teachers within the educational institution or agency, who have legitimate educational interests in the information contained in the records.

3. The United States Secretary of Education, the Director of the National Institute of Education, the Assistant Secretary for Education, the Comptroller General of the United States, or state or local educational authorities who are authorized to receive such information subject to the conditions set forth in applicable federal statutes and regulations

of the United States Department of Education, or in applicable state statutes and rules of the State Board of Education.

4. Other school officials, in connection with a student's application for or receipt of financial aid.

5. Individuals or organizations conducting studies for or on behalf of an institution or a board of education for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of students and their parents by persons other than representatives of such organizations and if such information will be destroyed when no longer needed for the purpose of conducting such studies.

6. Accrediting organizations, in order to carry out their accrediting functions.

7. School readiness coalitions and the Florida Partnership for School Readiness in order to carry out their assigned duties.

8. For use as evidence in student expulsion hearings conducted by a district school board pursuant to the provisions of chapter 120.

9. Appropriate parties in connection with an emergency, if knowledge of the information in the student's educational records is necessary to protect the health or safety of the student or other individuals.

10. The Auditor General and the Office of Program Policy Analysis and Government Accountability in connection with their official functions; however, except when the collection of personally identifiable information is specifically authorized by law, any data collected by the Auditor General and the Office of Program Policy Analysis and Government Accountability is confidential and exempt from the provisions of s. 119.07(1) and shall be protected in such a way as will not permit the personal identification of students and their parents by other than the Auditor General, the Office of Program Policy Analysis and Government Accountability, and their staff, and such personally identifiable data shall be destroyed when no longer needed for the Auditor General's and the Office of Program Policy Analysis and Government Accountability's official use.

11.a. A court of competent jurisdiction in compliance with an order of that court or the attorney of record pursuant to a lawfully issued subpoena, upon the condition that the student and the student's parent are notified of the order or subpoena in advance of compliance therewith by the educational institution or agency.

b. A person or entity pursuant to a court of competent jurisdiction in compliance with an order of that court or the attorney of record pursuant to a lawfully issued subpoena, upon the condition that the student, or his or her parent if the student is either a minor and not attending a postsecondary educational institution or a dependent of such parent as defined in 26 U.S.C. s. 152 (s. 152 of the Internal Revenue Code of 1954), is notified of the order or subpoena in advance of compliance therewith by the educational institution or agency.

12. Credit bureaus, in connection with an agreement for financial aid that the student has executed, provided that such information may be disclosed only to the extent necessary to enforce the terms or conditions of the financial aid agreement. Credit bureaus shall not release any information obtained pursuant to this paragraph to any person.

13. Parties to an interagency agreement among the Department of Juvenile Justice, school and law enforcement authorities, and other signatory agencies for the purpose of reducing juvenile crime and especially motor vehicle theft by promoting cooperation and collaboration, and the sharing of appropriate information in a joint effort to improve school safety, to reduce truancy and in-school and out-of-school suspensions, and to support alternatives to in-school and out-of-school suspensions and expulsions that provide structured and well-supervised educational programs supplemented by a coordinated overlay of other appropriate services designed to correct behaviors that lead to truancy, suspensions, and expulsions, and that support students in successfully completing their education. Information provided in furtherance of such interagency agreements is intended solely for use in determining the appropriate programs and services for each juvenile or the juvenile's family, or for coordinating the delivery of such programs and services,

and as such is inadmissible in any court proceedings prior to a dispositional hearing unless written consent is provided by a parent or other responsible adult on behalf of the juvenile.

14. *Consistent with the Family Educational Rights and Privacy Act, the Department of Children and Family Services or a community-based care lead agency acting on behalf of the Department of Children and Family Services, as appropriate.*

This paragraph does not prohibit any educational institution from publishing and releasing to the general public directory information relating to a student if the institution elects to do so. However, no educational institution shall release, to any individual, agency, or organization that is not listed in subparagraphs 1.-14. 1.-13., directory information relating to the student body in general or a portion thereof unless it is normally published for the purpose of release to the public in general. Any educational institution making directory information public shall give public notice of the categories of information that it has designated as directory information with respect to all students attending the institution and shall allow a reasonable period of time after such notice has been given for a parent or student to inform the institution in writing that any or all of the information designated should not be released.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 13, after the semicolon (;) insert: creating s. 39.0016, F.S., relating to the education of abused, neglected, and abandoned children; creating definitions; providing for interpretation of the act; requiring an agreement between the Department of Children and Family Services and the Department of Education; requiring agreements between the Department of Children and Family Services and district school boards or other local educational entities; specifying provisions of such agreements; requiring access to certain information; requiring education training components; amending s. 1002.22, F.S., relating to access to student records; authorizing the release of records to the Department of Children and Family Services or a community-based care lead agency;

Pursuant to Rule 4.19, **CS for CS for CS for SB 1698** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

SENATOR CARLTON PRESIDING

CS for SB 2448—A bill to be entitled An act relating to public health; amending s. 17.41, F.S.; authorizing funds from the Tobacco Settlement Clearing Trust Fund to be disbursed to the Biomedical Research Trust Fund in the Department of Health; amending s. 20.43, F.S.; designating the Division of Emergency Medical Services and Community Health Resources as the "Division of Emergency Medical Operations"; designating the Division of Information Resource Management as the "Division of Information Technology"; designating the Division of Health Awareness and Tobacco as the "Division of Health Access and Tobacco"; creating the Division of Disability Determinations; amending s. 216.2625, F.S.; providing that certain positions within the Department of Health are exempt from a limitation on the number of authorized positions; amending s. 381.0011, F.S.; revising duties of the Department of Health; providing for a statewide injury prevention program; amending s. 381.006, F.S.; including within the department's environmental health program the function of investigating elevated levels of lead in blood; amending s. 381.0065, F.S., relating to onsite sewage treatment and disposal systems; revising a definition; deleting a requirement that the department make certain biennial reports to the Legislature; authorizing the department to require the submission of certain construction plans pursuant to adopted rule; amending s. 381.0066, F.S.; continuing a requirement imposing a permit fee on new construction; amending s. 381.0072, F.S.; exempting certain schools, bars, and lounges from certification requirements for food service managers; removing a licensure exemption for certain food service establishments licensed by the Office of Licensure and Certification, the Child Care Services Program Office, or the Developmental Disabilities Program Office; creating s. 381.0409, F.S.; requiring the department to establish a tobacco prevention program, contingent upon a specific appropriation; specifying components of the program; providing for the department to provide technical assistance and training to state and local entities; authorizing the department to contract for program activities; creating s. 381.86, F.S.; establishing the Institutional Review Board within the Department of Health to

review certain biomedical and behavioral research; providing for the membership of the board; authorizing board members to be reimbursed for per diem and travel expenses; authorizing the department to charge fees for the research oversight performed by the board; authorizing the department to adopt rules; amending s. 381.89, F.S.; authorizing the Department of Health to impose certain licensure fees on tanning facilities; amending s. 381.90, F.S.; revising the membership and reporting requirements of the Health Information Systems Council; amending s. 383.14, F.S.; authorizing the State Public Health Laboratory to release certain test results to a newborn's primary care physician; revising certain testing requirements for newborns; increasing the membership of the Genetics and Newborn Screening Advisory Council; amending s. 383.402, F.S.; revising the criteria under which the state and local child abuse death review committees are required to review the death of a child; amending s. 391.021, F.S.; redefining the term "children with special health care needs" for purposes of the Children's Medical Services Act; amending ss. 391.025, 391.029, 391.035, and 391.055, F.S., relating to the Children's Medical Services program; revising the application requirements for the program; revising requirements for eligibility for services under the program; authorizing the department to contract with out-of-state health care providers to provide services to program participants; authorizing the department to adopt rules; requiring that certain newborns with abnormal screening results be referred to the program; amending s. 391.302, F.S.; revising certain definitions relating to developmental evaluation and intervention services; amending s. 391.303, F.S.; revising certain requirements for providing those services; amending s. 391.308, F.S.; creating the Infants and Toddlers Early Intervention Program within the Department of Health; requiring the department, jointly with the Department of Education, to prepare grant applications and to include certain services under the program; amending s. 395.1027, F.S.; authorizing certain licensed facilities to release patient information to regional poison control centers; amending s. 395.404, F.S.; revising reporting requirements to the trauma registry data system maintained by the Department of Health; providing that hospitals, pediatric trauma referral centers, and trauma centers subject to reporting trauma registry data to the department are required to comply with other duties concerning the moderate-to-severe brain or spinal cord injury registry maintained by the department; correcting references to the term "trauma center"; amending s. 401.211, F.S.; providing legislative intent with respect to a statewide injury-prevention program; creating s. 401.243, F.S.; providing duties of the department for establishing such a program; authorizing the department to adopt rules; creating s. 401.27001, F.S.; providing requirements for background screening for applicants for initial certification as an emergency medical technician or paramedic and for renewal of certification; requiring an applicant to pay the costs of screening; requiring that fingerprints be submitted to the Department of Law Enforcement and forwarded to the Federal Bureau of Investigation; specifying the offenses that are grounds for denial of certification; authorizing the department to grant an exemption to an applicant, notwithstanding certain convictions; requiring the department to adopt rules; amending s. 404.056, F.S.; revising the radon testing requirements for schools and certain state-operated or state-licensed facilities; amending s. 409.814, F.S.; providing certain eligibility requirements for the Florida Healthy Kids and Medikids programs; amending s. 468.302, F.S.; revising certain requirements for administering radiation and performing certain other procedures; amending s. 468.304, F.S.; revising requirements for obtaining certification from the department as an X-ray machine operator, a radiographer, or a nuclear medicine technologist; amending s. 468.306, F.S.; requiring remedial education for certain applicants for certification; amending s. 468.3065, F.S.; providing that the application fee is nonrefundable; amending s. 468.307, F.S.; revising the expiration date of a certificate; amending s. 468.309, F.S.; revising requirements for certification as a radiologic technologist; providing for a certificateholder to resign a certification; amending s. 468.3095, F.S.; revising requirements for reactivating an expired certificate; amending s. 468.3101, F.S.; authorizing the department to conduct investigations and inspections; clarifying certain grounds for disciplinary actions; amending s. 489.553, F.S.; providing requirements for registration as a master septic tank contractor; amending s. 489.554, F.S.; authorizing inactive registration as a septic tank contractor; providing for renewing a certification of registration following a period of inactive status; amending s. 784.081, F.S.; increasing certain penalties for an assault or battery that is committed against an employee of the Department of Health or against a direct service provider of the department; repealing ss. 381.0098(9), 385.103(2)(f), 385.205, 385.209, 391.301(3), 391.305(2), 393.064(5), and 445.033(7), F.S., relating to obsolete provisions governing the handling of biomedical waste, rulemaking authority with respect to community

intervention programs, programs covering chronic renal disease, information on cholesterol, intervention programs for certain hearing-impaired infants, contract authority over the Raymond C. Philips Research and Education Unit, and an exemption from the Florida Biomedical and Social Research Act for certain evaluations; providing an effective date.

—was read the second time by title.

The Committee on Criminal Justice recommended the following amendment which was moved by Senator Saunders:

Amendment 1 (220790)(with title amendment)—On page 15, lines 16-20, delete those lines and insert: transferable from one place or individual to another. However, those facilities licensed by the *Department of Children and Family Services under department's Office of Licensure and Certification*, the Child Care Services Program Office and, or the Developmental Disabilities Program Office are exempt from this subsection. It shall be a misdemeanor of the

And the title is amended as follows:

On page 2, lines 9-11, delete those lines and insert: service establishments licensed by the Department of Children and Family Services under the Child Care Program Office and the Developmental

Senator Saunders moved the following substitute amendment which was adopted:

Amendment 2 (385064)(with title amendment)—On page 15, lines 11 through page 16, line 3, delete those lines.

And the title is amended as follows:

On page 2, lines 8-12, delete those lines and insert: creating s.

The Committee on Criminal Justice recommended the following amendment which was moved by Senator Saunders and adopted:

Amendment 3 (344630)(with title amendment)—On page 63, between lines 16 and 17, insert:

Section 42. *The Technical Review and Advisory Panel of the Department of Health, created by section 381.0068, Florida Statutes, shall review and advise the Legislature on the need and structure of a disciplinary board for the onsite sewage industry. The panel shall submit a report to the Legislature by January 2, 2005.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 7, line 1, after the semicolon (;) insert: requiring a report relating to a disciplinary board for the onsite sewage industry;

Senators Dockery, Argenziano and Lynn offered the following amendment which was moved by Senator Dockery:

Amendment 4 (315370)(with title amendment)—On page 7, lines 17-29, delete those lines and insert:

Section 2. Subsection (2) and paragraphs (f), (i), and (j) of subsection (3) of section 20.43, Florida Statutes, are amended, and paragraph (k) is added to that subsection, to read:

20.43 Department of Health.—There is created a Department of Health.

(2)(a) The head of the Department of Health is the Secretary of Health and State Health Officer. The secretary must be a physician licensed under chapter 458 or chapter 459 who has advanced training or extensive experience in public health administration. The secretary is appointed by the Governor subject to confirmation by the Senate. The secretary serves at the pleasure of the Governor.

(b) *The Officer of Women's Health Strategy is established within the Department of Health and shall report directly to the secretary.*

(3) The following divisions of the Department of Health are established:

(f) Division of Emergency Medical Operations ~~Services and Community Health Resources.~~

(i) Division of Information Technology ~~Resource Management.~~

(j) Division of Health Access ~~Awareness~~ and Tobacco.

(k) Division of Disability Determinations.

Section 3. Section 381.04015, Florida Statutes, is created to read:

381.04015 Women's Health Strategy; legislative intent; duties of Officer of Women's Health Strategy; other state agency duties.—

(1) *LEGISLATIVE INTENT.—The Legislature recognizes that the health care needs of women are gender-specific and that public policy must take into account the distinct characteristics of women's health issues. Priority shall be given to improve the overall health status of women through research and education on women's health issues. The Legislature recognizes the importance of understanding why there are such large differences between how women and men experience certain diseases and also recognizes that biomedical research is the key to finding these answers. Such research has important implications for both women and men in terms of clinical practice and disease prevention and manifestation. The Legislature recognizes that as the state's population continues to age and life expectancy for women continues to rise, it is of the utmost importance for the Legislature to encourage effective medical research on long-term health issues for women and to educate elder women about the importance of participating in medical studies. The Legislature finds and declares that the design and delivery of health care services and the medical education of health care practitioners shall be directed by the principle that health care needs are gender-specific.*

(2) *DUTIES.—The Officer of Women's Health Strategy in the Department of Health shall:*

(a) *Ensure that the state's policies and programs are responsive to sex and gender differences and to women's health needs across the life span.*

(b) *Organize an interagency Committee for Women's Health for the purpose of integrating women's health programs in current operating and service delivery structures and setting priorities for women's health. This committee shall be comprised of the heads or directors of state agencies with programs affecting women's health, including, but not limited to, the Department of Health, the Agency for Health Care Administration, the Department of Education, the Department of Elderly Affairs, the Department of Corrections, the Office of Insurance Regulation of the Department of Financial Services, and the Department of Juvenile Justice.*

(c) *Assess the health status of women in the state through the collection and review of health data and trends.*

(d) *Review the state's insurance code as it relates to women's health issues.*

(e) *Work with medical school curriculum committees to develop course requirements on women's health and promote clinical practice guidelines specific to women.*

(f) *Organize statewide Women's Health Month activities.*

(g) *Coordinate a Governor's statewide conference on women's health, cosponsored by the agencies participating in the Committee for Women's Health and other private organizations and entities impacting women's health in the state.*

(h) *Promote research, treatment, and collaboration on women's health issues at universities and medical centers in the state.*

(i) *Promote employer incentives for wellness programs targeting women's health programs.*

(j) *Serve as the primary state resource for women's health information.*

(k) *Develop a statewide women's health plan emphasizing collaborative approaches to meeting the health needs of women. The plan shall:*

1. Identify activities designed to reduce the number of premature deaths in women, including:

a. Providing specific strategies for reducing the mortality rate of women.

b. Listing conditions that may cause or contribute to disease in women and the best methods by which to identify, control, and prevent these conditions from developing.

c. Identifying the best methods for ensuring an increase in the percentage of women in the state who receive diagnostic and screening testing.

2. Provide for increasing research and appropriate funding at institutions in the state studying disease in women.

3. Provide recommendations for the development of practice guidelines for addressing disease in women.

4. Provide recommendations for reducing health disparities among women in all races and ethnic groups.

5. Coordinate with existing program plans that address women's health issues.

(l) Promote clinical practice guidelines specific to women.

(m) Serve as the state's liaison with other states and federal agencies and programs to develop best practices in women's health.

(n) Develop a statewide, web-based clearinghouse on women's health issues and resources.

(o) Promote public awareness campaigns and education on the health needs of women.

(p) By January 15 of each year, provide the Governor, the President of the Senate, and the Speaker of the House of Representatives a report with policy recommendations for implementing the provisions of this section.

(3) *DUTIES OF OTHER STATE AGENCIES.—*

(a) Women's health issues shall be taken into consideration in the annual budget planning of the Department of Health, the Agency for Health Care Administration, and the Department of Elderly Affairs.

(b) The inclusion of gender considerations and differential impact shall be one of the criteria when assessing research and demonstration proposals for which state funding is being sought from the Department of Health, the Agency for Health Care Administration, and the Department of Elderly Affairs.

(c) Boards or advisory bodies that fall under the purview of the Department of Health, the Agency for Health Care Administration, and the Department of Elderly Affairs shall be encouraged to seek equal representation of women and men and the inclusion of persons who are knowledgeable and sensitive to gender and diversity issues.

(4) *RESPONSIBILITY AND COORDINATION.—The officer and the department shall direct and carry out the Women's Health Strategy established under this section in accordance with the requirements of this section and may work with the Executive Office of the Governor and other state agencies to carry out their duties and responsibilities under this section.*

Section 4. Effective July 1, 2004, there is appropriated the sum of \$150,000 from the General Revenue Fund, and one full-time equivalent position is authorized, for the Department of Health to implement the establishment of the Officer of Women's Health Strategy by this act.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 6-16, delete those lines and insert: Department of Health; amending s. 20.43, F.S.; establishing the Officer of Women's Health Strategy in the Department of Health; designating the Division of Emergency Medical Services and Community Health Resources as the "Division of Emergency Medical Operations"; designating the Division

of Information Resource Management as the "Division of Information Technology"; designating the Division of Health Awareness and Tobacco as the "Division of Health Access and Tobacco"; creating the Division of Disability Determinations; creating s. 381.04015, F.S.; providing legislative intent; providing the duties of the Officer of Women's Health Strategy; requiring an annual report to the Governor and Legislature with policy recommendations for implementing the Women's Health Strategy; requiring consideration of women's health issues and gender in state policy, planning, and budgeting; providing for responsibility and coordination; providing an appropriation; transferring and amending s. 216.341, F.S.;

Senator Dockery moved the following amendment to **Amendment 4** which was adopted:

Amendment 4A (125516)(with title amendment)—On page 6, lines 8-12, delete those lines.

And the title is amended as follows:

On page 7, lines 12 and 13, delete "providing an appropriation;"

Amendment 4 as amended was adopted.

Senator Wilson moved the following amendment which was adopted:

Amendment 5 (214152)(with title amendment)—On page 7, lines 18-29, delete those lines and insert: (3) of section 20.43, Florida Statutes, are amended, paragraph (k) is added to that subsection, and subsection (9) is added to that section, to read:

20.43 Department of Health.—There is created a Department of Health.

(3) The following divisions of the Department of Health are established:

(f) Division of Emergency Medical ~~Operations Services and Community Health Resources~~.

(i) Division of Information ~~Technology Resource Management~~.

(j) Division of Health ~~Access Awareness~~ and Tobacco.

(k) *Division of Disability Determinations*.

(9) *There is established within the Department of Health the Office of Minority Health.*

And the title is amended as follows:

On page 1, line 12, after the semicolon (;) insert: establishing the Office of Minority Health in the Department of Health;

Senator Saunders moved the following amendment which was adopted:

Amendment 6 (111340)(with title amendment)—On page 9, line 11 through page 13, line 7, delete those lines and insert:

Section 6. Paragraph (k) of subsection (2) and paragraphs (d) and (e) of subsection (4), of section 381.0065, Florida Statutes, are amended, and paragraph (v) is added to subsection (4) of that section, to read:

381.0065 Onsite sewage treatment and disposal systems; regulation.—

(2) DEFINITIONS.—As used in ss. 381.0065-381.0067, the term:

(k) "Permanent nontidal surface water body" means a perennial stream, a perennial river, an intermittent stream, a perennial lake, a submerged marsh or swamp, a submerged wooded marsh or swamp, a spring, or a seep, as identified on the most recent quadrangle map, 7.5 minute series (topographic), produced by the United States Geological Survey, or products derived from that series. "Permanent nontidal surface water body" shall also mean an artificial surface water body that does not have an impermeable bottom and side and that is designed to hold, or does hold, visible standing water for at least 180 days of the year. However, a nontidal surface water body that is drained, either naturally or artificially, where the intent or the result is that such drainage be temporary, shall be considered a permanent nontidal surface water

body. A nontidal surface water body that is drained of all visible surface water, where the lawful intent or the result of such drainage is that such drainage will be permanent, shall not be considered a permanent nontidal surface water body. The boundary of a permanent nontidal surface water body shall be the mean annual flood line.

(4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may not construct, repair, modify, abandon, or operate an onsite sewage treatment and disposal system without first obtaining a permit approved by the department. The department may issue permits to carry out this section, but shall not make the issuance of such permits contingent upon prior approval by the Department of Environmental Protection. A construction permit is valid for 18 months from the issuance date and may be extended by the department for one 90-day period under rules adopted by the department. A repair permit is valid for 90 days from the date of issuance. An operating permit must be obtained prior to the use of any aerobic treatment unit or if the establishment generates commercial waste. Buildings or establishments that use an aerobic treatment unit or generate commercial waste shall be inspected by the department at least annually to assure compliance with the terms of the operating permit. The operating permit for a commercial wastewater system is valid for 1 year from the date of issuance and must be renewed annually. The operating permit for an aerobic treatment unit is valid for 2 years from the date of issuance and must be renewed every 2 years. If all information pertaining to the siting, location, and installation conditions or repair of an onsite sewage treatment and disposal system remains the same, a construction or repair permit for the onsite sewage treatment and disposal system may be transferred to another person, if the transferee files, within 60 days after the transfer of ownership, an amended application providing all corrected information and proof of ownership of the property. There is no fee associated with the processing of this supplemental information. A person may not contract to construct, modify, alter, repair, service, abandon, or maintain any portion of an onsite sewage treatment and disposal system without being registered under part III of chapter 489. A property owner who personally performs construction, maintenance, or repairs to a system serving his or her own owner-occupied single-family residence is exempt from registration requirements for performing such construction, maintenance, or repairs on that residence, but is subject to all permitting requirements. A municipality or political subdivision of the state may not issue a building or plumbing permit for any building that requires the use of an onsite sewage treatment and disposal system unless the owner or builder has received a construction permit for such system from the department. A building or structure may not be occupied and a municipality, political subdivision, or any state or federal agency may not authorize occupancy until the department approves the final installation of the onsite sewage treatment and disposal system. A municipality or political subdivision of the state may not approve any change in occupancy or tenancy of a building that uses an onsite sewage treatment and disposal system until the department has reviewed the use of the system with the proposed change, approved the change, and amended the operating permit.

(d) Paragraphs (a) and (b) do not apply to any proposed residential subdivision with more than 50 lots or to any proposed commercial subdivision with more than 5 lots where a publicly owned or investor-owned sewerage system is available. It is the intent of this paragraph not to allow development of additional proposed subdivisions in order to evade the requirements of this paragraph. ~~The department shall report to the Legislature by February 1 of each odd-numbered year concerning the success in meeting this intent.~~

(e) Onsite sewage treatment and disposal systems must not be placed closer than:

1. Seventy-five feet from a private potable well.
2. Two hundred feet from a public potable well serving a residential or nonresidential establishment having a total sewage flow of greater than 2,000 gallons per day.
3. One hundred feet from a public potable well serving a residential or nonresidential establishment having a total sewage flow of less than or equal to 2,000 gallons per day.
4. Fifty feet from any nonpotable well.
5. Ten feet from any storm sewer pipe, to the maximum extent possible, but in no instance shall the setback be less than 5 feet.

6. Seventy-five feet from the mean high-water line of a tidally influenced surface water body.

7. Seventy-five feet from the *mean normal* annual flood line of a permanent nontidal surface water body.

8. Fifteen feet from the design high-water line of retention areas, detention areas, or swales designed to contain standing or flowing water for less than 72 hours after a rainfall or the design high-water level of normally dry drainage ditches or normally dry individual lot stormwater retention areas.

(v) *The department may require the submission of detailed system construction plans that are prepared by a professional engineer registered in this state. The department shall establish by rule criteria for determining when such a submission is required.*

And the title is amended as follows:

On page 1, line 26 through page 2, line 2, delete those lines and insert: lead in blood; amending s. 381.0065, F.S., relating to onsite sewage treatment and disposal systems; revising a definition; deleting a requirement that the department make certain biennial reports to the Legislature; authorizing the department to require the submission of certain construction plans pursuant to adopted rule;

Senator Constantine moved the following amendment which was adopted:

Amendment 7 (841188)(with title amendment)—On page 9, line 11 through page 13, line 7, delete those lines and insert:

Section 6. Section 381.0069, Florida Statutes, is created to read:

381.0069 Portable restroom contracting.—

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

(a) “Department” means the Department of Health.

(b) “Portable restroom” means any holding tank, portable toilet, mobile restroom trailer, mobile shower trailer, or portable restroom facility intended for use on a permanent or nonpermanent basis, including any such facility placed at a construction site when workers are present.

(c) “Portable restroom contractor” means a portable restroom contractor who has knowledge of state health code law and rules and has the experience, knowledge, and skills to handle, deliver, and pick up sanitary portable restrooms, to install, safely handle, and maintain portable holding tanks, and to handle, transport, and dispose of domestic portable restroom and portable holding tank wastewater.

(2) **REGISTRATION REQUIRED.**—A person may not hold himself or herself out as a portable restroom contractor in this state unless he or she is registered by the department in accordance with this section. However, this section does not prohibit any person licensed pursuant to s. 489.105(3)(m) or part III of chapter 489 from engaging in the profession for which he or she is licensed. This section does not apply to an entity defined in s. 403.70605(4)(b).

(3) **ADMINISTRATION OF SECTION; REGISTRATION QUALIFICATIONS; EXAMINATION.**—

(a) Each person desiring to be registered pursuant to this section shall apply to the department in writing upon forms prepared and furnished by the department.

(b) The department shall administer, coordinate, and enforce the provisions of this section, administer the examination for applicants, and be responsible for the granting of certificates of registration to qualified persons.

(c) The department shall adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this section that establish ethical standards of practice, requirements for registering as a contractor, requirements for obtaining an initial or renewal certificate of registration, disciplinary guidelines, and requirements for the certification of partnerships and corporations. The department may amend or repeal the rules in accordance with chapter 120.

(d) *To be eligible for registration by the department as a portable restroom contractor, the applicant shall:*

1. *Be of good moral character. In considering good moral character, the department may consider any matter that has a substantial connection between the good moral character of the applicant and the professional responsibilities of a registered contractor, including, but not limited to, the applicant’s being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction that directly relates to the practice of contracting or the ability to practice contracting and previous disciplinary action involving portable restroom contracting for which all judicial reviews have been completed.*

2. *Pass an examination approved by the department which demonstrates that the applicant has a fundamental knowledge of the state laws relating to the installation, maintenance, and wastewater disposal of portable restrooms, portable sinks, and portable holding tanks.*

3. *Be at least 18 years of age.*

4. *Have a total of at least 3 years of active experience serving an apprenticeship as a skilled worker under the supervision and control of a registered portable restroom contractor. Related work experience or educational experience may be substituted for no more than 2 years of active contracting experience. Each 30 hours of coursework approved by the department shall be substituted for 6 months of work experience. Out-of-state work experience shall be accepted on a year-for-year basis for any applicant who demonstrates that he or she holds a current license issued by another state for portable restroom contracting which was issued upon satisfactory completion of an examination and continuing education courses that are equivalent to the requirements in this state. Individuals from a state with no state certification who have successfully completed a written examination provided by the Portable Sanitation Association International shall only be required to take the written portion of the examination that includes state health code law and rules. For purposes of this section, an equivalent examination must include the topics of state health code law and rules applicable to portable restrooms and the knowledge required to handle, deliver, and pick up sanitary portable restrooms; to install, handle, and maintain portable holding tanks; and to handle, transport, and dispose of domestic portable restroom and portable holding tank wastewater. A person employed by and under the supervision of such an out-of-state licensed contractor shall be granted up to 2 years of related work experience.*

5. *Have not had a registration revoked the effective date of which was less than 5 years before the application.*

(e) *The department shall provide each applicant for registration pursuant to this section with a copy of this section and any rules adopted under this section. The department may also prepare and disseminate such other material and questionnaires as it deems necessary to effectuate the registration provisions of this section.*

(f) *Any person who was employed 1 or more years in this state by a portable restroom service holding a permit issued by the department on or before October 1, 2004, has until October 1, 2005, to be registered by the department in accordance with this section and may continue to perform portable restroom contracting services until that time. Such persons are exempt until October 1, 2005, from the 3 years’ active work experience requirement of subparagraph (d)4.*

(4) **REGISTRATION RENEWAL.**—

(a) *The department shall prescribe by rule the method for approval of continuing education courses and for renewal of annual registration, for reverting to inactive status for late filing of renewal applications, for allowing contractors to hold their registration in inactive status for a specified period, and for reactivating registrations. At a minimum, annual renewal shall include continuing education requirements of not less than 6 classroom hours annually for portable restroom contractors.*

(b) *Certificates of registration shall become inactive when a renewal application is not filed in a timely manner. A certificate that has become inactive may be reactivated under this section by application to the department. A registered contractor may apply to the department for voluntary inactive status at any time during the period of registration.*

(5) CERTIFICATION OF PARTNERSHIPS AND CORPORATIONS.—

(a) The practice of or the offer to practice portable restroom contracting services by registrants through a parent corporation, corporation, subsidiary of a corporation, or partnership offering portable restroom contracting services to the public through registrants under this section as agents, employers, officers, or partners is permitted if one or more of the principal officers of the corporation or one or more partners of the partnership and all personnel of the corporation or partnership who act on its behalf as portable restroom contractors in this state are registered as provided by this section and if the corporation or partnership has been issued a certificate of authorization by the department as provided in this subsection. An agent of the corporation may be a manager of the corporation only when no officers of the corporation reside in the State of Florida. In this case, the corporation must provide a notarized letter of authorization for one or more managers to act as the agent and registered contractor on behalf of all matters of the corporation. This authorization must provide the list of names and addresses of all officers and include a statement that it in no way removes any responsibility from the officers of the corporation. A registered contractor may not be the sole qualifying contractor for more than one business that requests a certificate of authorization. A business organization that loses its qualifying contractor has 60 days following the date the qualifier terminates his or her affiliation within which to obtain another qualifying contractor. During this period, the business organization may complete any existing contract or continuing contract but may not undertake any new contract. This period may be extended once by the department for an additional 60 days upon a showing of good cause. This subsection may not be construed to mean that a certificate of registration to practice portable restroom contracting must be held by a corporation. A corporation or partnership is not relieved of responsibility for the conduct or acts of its agents, employees, or officers by reason of its compliance with this subsection, and an individual practicing portable restroom contracting is not relieved of responsibility for professional services performed by reason of his or her employment or relationship with a corporation or partnership.

(b) For the purposes of this subsection, a certificate of authorization shall be required for a corporation, a partnership, an association, or a person practicing under a fictitious name when offering portable restroom contracting services to the public, except that when an individual is practicing portable restroom contracting in his or her own given name, he or she is not required to register under this subsection.

(c) Each certification of authorization shall be renewed every 2 years. Each partnership and corporation certified under this subsection shall notify the department within 1 month after any change in the information contained in the application upon which the certification is based.

(d) Disciplinary action against a corporation or partnership shall be administered in the same manner and on the same grounds as disciplinary action against a registered portable restroom contractor.

(e) When a certificate of authorization has been revoked, any person authorized by law to provide portable restroom contracting services may not use the name or fictitious name of the entity whose certificate was revoked or any other identifiers for the entity, including telephone numbers, advertisements, or logos.

(6) SUSPENSION OR REVOCATION OF REGISTRATION.—A certificate of registration may be suspended or revoked upon a showing that the registrant has committed any of the following:

- (a) Violated any provision of this part;
- (b) Violated any lawful order or rule rendered or adopted by the department;
- (c) Obtained his or her registration or any other order, ruling, or authorization by means of fraud, misrepresentation, or concealment of material facts; or
- (d) Been found guilty of one or more violations of this part, s. 381.0065, s. 386.041, or any rule adopted pursuant to those laws.

(7) FEES; ESTABLISHMENT.—

- (a) The department shall, by rule, establish fees as follows:

1. For registration as a portable restroom contractor:
 - a. Application and examination fee: not less than \$25 nor more than \$75.
 - b. Initial registration fee: not less than \$50 nor more than \$100.
 - c. Renewal of registration fee: not less than \$50 nor more than \$100.
2. For certification of a partnership or corporation: not less than \$100 nor more than \$250.

(b) Fees established pursuant to paragraph (a) shall be based on the actual costs incurred by the department in carrying out its registration and other related responsibilities under this section.

(8) PENALTIES AND PROHIBITIONS.—

(a) A person who violates any provision of this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) The department may deny a registration, authorization, or registration renewal if it determines that an applicant does not meet all requirements of this section or has violated any provision of this section or if there is any outstanding administrative penalty with the department in which the penalty is final agency action and all judicial reviews are exhausted. Any applicant aggrieved by such denial is entitled to a hearing, after reasonable notice thereof, upon filing a written request for such hearing in accordance with chapter 120.

Section 7. Subsection (1) of section 381.0061, Florida Statutes, is amended to read:

381.0061 Administrative fines.—

(1) In addition to any administrative action authorized by chapter 120 or by other law, the department may impose a fine, which shall not exceed \$500 for each violation, for a violation of s. 381.006(16), s. 381.0065, s. 381.0066, s. 381.0069, s. 381.0072, or part III of chapter 489, for a violation of any rule adopted under this chapter, or for a violation of any of the provisions of chapter 386. Notice of intent to impose such fine shall be given by the department to the alleged violator. Each day that a violation continues may constitute a separate violation.

Section 8. Paragraph (k) of subsection (2), paragraph (m) of subsection (3), paragraphs (d) and (e) of subsection (4), and subsection (5) of section 381.0065, Florida Statutes, are amended, and paragraph (v) is added to subsection (4) of that section, to read:

381.0065 Onsite sewage treatment and disposal systems; regulation.—

- (2) **DEFINITIONS.—**As used in ss. 381.0065-381.0067, the term:

(k) “Permanent nontidal surface water body” means a perennial stream, a perennial river, an intermittent stream, a perennial lake, a submerged marsh or swamp, a submerged wooded marsh or swamp, a spring, or a seep, as identified on the most recent quadrangle map, 7.5 minute series (topographic), produced by the United States Geological Survey, or products derived from that series. “Permanent nontidal surface water body” shall also mean an artificial surface water body that does not have an impermeable bottom and side and that is designed to hold, or does hold, visible standing water for at least 180 days of the year. However, a nontidal surface water body that is drained, either naturally or artificially, where the intent or the result is that such drainage be temporary, shall be considered a permanent nontidal surface water body. A nontidal surface water body that is drained of all visible surface water, where the lawful intent or the result of such drainage is that such drainage will be permanent, shall not be considered a permanent nontidal surface water body. The boundary of a permanent nontidal surface water body shall be the mean annual flood line.

(3) **DUTIES AND POWERS OF THE DEPARTMENT OF HEALTH.—**The department shall:

(m) *Regulate the use of portable restrooms, mobile restrooms, mobile shower trailers, and Permit and inspect portable or stationary temporary toilet services and holding tanks; regulate, permit, and inspect the companies that provide and service such facilities;—The department shall*

~~review applications, perform site evaluations; and issue permits for the temporary use of stationary holding tanks, privies, portable toilet services, or any other toilet facility that is intended for use on a permanent or nonpermanent basis, including facilities placed on construction sites when workers are present. The department may specify standards for the construction, maintenance, use, and operation of any such facility for temporary use.~~

(4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may not construct, repair, modify, abandon, or operate an onsite sewage treatment and disposal system without first obtaining a permit approved by the department. The department may issue permits to carry out this section, but shall not make the issuance of such permits contingent upon prior approval by the Department of Environmental Protection. A construction permit is valid for 18 months from the issuance date and may be extended by the department for one 90-day period under rules adopted by the department. A repair permit is valid for 90 days from the date of issuance. An operating permit must be obtained prior to the use of any aerobic treatment unit or if the establishment generates commercial waste. Buildings or establishments that use an aerobic treatment unit or generate commercial waste shall be inspected by the department at least annually to assure compliance with the terms of the operating permit. The operating permit for a commercial wastewater system is valid for 1 year from the date of issuance and must be renewed annually. The operating permit for an aerobic treatment unit is valid for 2 years from the date of issuance and must be renewed every 2 years. If all information pertaining to the siting, location, and installation conditions or repair of an onsite sewage treatment and disposal system remains the same, a construction or repair permit for the onsite sewage treatment and disposal system may be transferred to another person, if the transferee files, within 60 days after the transfer of ownership, an amended application providing all corrected information and proof of ownership of the property. There is no fee associated with the processing of this supplemental information. A person may not contract to construct, modify, alter, repair, service, abandon, or maintain any portion of an onsite sewage treatment and disposal system without being registered under part III of chapter 489. A property owner who personally performs construction, maintenance, or repairs to a system serving his or her own owner-occupied single-family residence is exempt from registration requirements for performing such construction, maintenance, or repairs on that residence, but is subject to all permitting requirements. A municipality or political subdivision of the state may not issue a building or plumbing permit for any building that requires the use of an onsite sewage treatment and disposal system unless the owner or builder has received a construction permit for such system from the department. A building or structure may not be occupied and a municipality, political subdivision, or any state or federal agency may not authorize occupancy until the department approves the final installation of the onsite sewage treatment and disposal system. A municipality or political subdivision of the state may not approve any change in occupancy or tenancy of a building that uses an onsite sewage treatment and disposal system until the department has reviewed the use of the system with the proposed change, approved the change, and amended the operating permit.

~~(d) Paragraphs (a) and (b) do not apply to any proposed residential subdivision with more than 50 lots or to any proposed commercial subdivision with more than 5 lots where a publicly owned or investor-owned sewerage system is available. It is the intent of this paragraph not to allow development of additional proposed subdivisions in order to evade the requirements of this paragraph. The department shall report to the Legislature by February 1 of each odd-numbered year concerning the success in meeting this intent.~~

(e) Onsite sewage treatment and disposal systems must not be placed closer than:

1. Seventy-five feet from a private potable well.
2. Two hundred feet from a public potable well serving a residential or nonresidential establishment having a total sewage flow of greater than 2,000 gallons per day.
3. One hundred feet from a public potable well serving a residential or nonresidential establishment having a total sewage flow of less than or equal to 2,000 gallons per day.
4. Fifty feet from any nonpotable well.

5. Ten feet from any storm sewer pipe, to the maximum extent possible, but in no instance shall the setback be less than 5 feet.

6. Seventy-five feet from the mean high-water line of a tidally influenced surface water body.

7. Seventy-five feet from the ~~mean normal~~ annual flood line of a permanent nontidal surface water body.

8. Fifteen feet from the design high-water line of retention areas, detention areas, or swales designed to contain standing or flowing water for less than 72 hours after a rainfall or the design high-water level of normally dry drainage ditches or normally dry individual lot stormwater retention areas.

(v) The department may require the submission of detailed system construction plans that are prepared by a professional engineer registered in this state. The department shall establish by rule criteria for determining when such a submission is required.

(5) ENFORCEMENT; RIGHT OF ENTRY; CITATIONS.—

(a) Department personnel who have reason to believe noncompliance exists; may, at any reasonable time, enter the premises permitted under ss. 381.0065-381.0066, ~~or~~ the business premises of any septic tank contractor or master septic tank contractor registered under part III of chapter 489, *the business premises of any portable restroom contractor registered under s. 381.0069*, or any premises that the department has reason to believe is being operated or maintained not in compliance; to determine compliance with the provisions of this section, part I of chapter 386, or part III of chapter 489 or rules or standards adopted under ss. 381.0065-381.0067, *s. 381.0069*, part I of chapter 386, or part III of chapter 489. As used in this paragraph, the term “premises” does not include a residence or private building. To gain entry to a residence or private building, the department must obtain permission from the owner or occupant or secure an inspection warrant from a court of competent jurisdiction.

(b)1. The department may issue citations that may contain an order of correction or an order to pay a fine, or both, for violations of ss. 381.0065-381.0067, *s. 381.0069*, part I of chapter 386, or part III of chapter 489 or the rules adopted by the department, when a violation of these sections or rules is enforceable by an administrative or civil remedy, or when a violation of these sections or rules is a misdemeanor of the second degree. A citation issued under ss. 381.0065-381.0067, *s. 381.0069*, part I of chapter 386, or part III of chapter 489 constitutes a notice of proposed agency action.

2. A citation must be in writing and must describe the particular nature of the violation, including specific reference to the provisions of law or rule allegedly violated.

3. The fines imposed by a citation issued by the department may not exceed \$500 for each violation. Each day the violation exists constitutes a separate violation for which a citation may be issued.

4. The department shall inform the recipient, by written notice pursuant to ss. 120.569 and 120.57, of the right to an administrative hearing to contest the citation within 21 days after the date the citation is received. The citation must contain a conspicuous statement that if the recipient fails to pay the fine within the time allowed, or fails to appear to contest the citation after having requested a hearing, the recipient has waived the recipient’s right to contest the citation and must pay an amount up to the maximum fine.

5. The department may reduce or waive the fine imposed by the citation. In determining whether to reduce or waive the fine, the department must consider the gravity of the violation, the person’s attempts at correcting the violation, and the person’s history of previous violations including violations for which enforcement actions were taken under ss. 381.0065-381.0067, *s. 381.0069*, part I of chapter 386, part III of chapter 489, or other provisions of law or rule.

6. Any person who willfully refuses to sign and accept a citation issued by the department commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

7. The department, pursuant to ss. 381.0065-381.0067, *s. 381.0069*, part I of chapter 386, or part III of chapter 489, shall deposit any fines

it collects in the county health department trust fund for use in providing services specified in those sections.

8. This section provides an alternative means of enforcing ss. 381.0065-381.0067, s. 381.0069, part I of chapter 386, and part III of chapter 489. This section does not prohibit the department from enforcing ss. 381.0065-381.0067, s. 381.0069, part I of chapter 386, or part III of chapter 489, or its rules, by any other means. However, the department must elect to use only a single method of enforcement for each violation.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 26 through page 2, line 2, delete those lines and insert: lead in blood; creating s. 381.0069, F.S.; providing for the regulation of portable restroom contracting; providing definitions; requiring a portable restroom contractor to apply for registration with the Department of Health; providing requirements for registration, including an examination; providing for administration; providing rulemaking authority; providing for renewal of registration, including continuing education; providing for certification of partnerships and corporations; providing grounds for suspension or revocation of registration; providing fees; providing penalties and prohibitions; amending s. 381.0061, F.S.; authorizing imposition of an administrative fine for violation of portable restroom contracting requirements; amending s. 381.0065, F.S., relating to onsite sewage treatment and disposal systems; revising a definition; specifying the department's powers and duties with respect to the regulation of portable restroom facilities and the companies that provide and service them; deleting a requirement that the department make certain biennial reports to the Legislature; authorizing the department to require the submission of certain construction plans pursuant to adopted rule; authorizing the department to enter the business premises of any portable restroom contractor for compliance determination and enforcement; authorizing issuance of a citation for violation of portable restroom contracting requirements which may contain an order of correction or a fine; amending s. 381.0066,

Senator Saunders moved the following amendments which were adopted:

Amendment 8 (892494)(with title amendment)—On page 16, line 4 through page 17, line 14, delete those lines.

And the title is amended as follows:

On page 2, lines 12-20, delete those lines and insert: Disabilities Program Office; creating s.

Amendment 9 (823812)(with title amendment)—On page 35, between lines 7 and 8, insert:

Section 23. Subsection (1) of section 395.003, Florida Statutes, is amended to read:

395.003 Licensure; issuance, renewal, denial, modification, suspension, and revocation.—

(1)(a) A ~~no~~ person ~~may not shall~~ establish, conduct, or maintain a hospital, ambulatory surgical center, or mobile surgical facility in this state without first obtaining a license under this part.

(b)1. It is unlawful for ~~a any~~ person to use or advertise to the public, in any way or by any medium whatsoever, any facility as a "hospital," "ambulatory surgical center," or "mobile surgical facility" unless such facility has first secured a license under the provisions of this part.

2. ~~Nothing in~~ This part ~~does not apply applies~~ to veterinary hospitals or to commercial business establishments using the word "hospital," "ambulatory surgical center," or "mobile surgical facility" as a part of a trade name if no treatment of human beings is performed on the premises of such establishments.

3. *By December 31, 2004, the agency shall submit a report to the President of the Senate and the Speaker of the House of Representatives recommending whether it is in the public interest to allow a hospital to license or operate an emergency department located off the premises of the hospital. If the agency finds it to be in the public interest, the report shall also recommend licensure criteria for such medical facilities, including*

criteria related to quality of care and, if deemed necessary, the elimination of the possibility of confusion related to the service capabilities of such facility in comparison to the service capabilities of an emergency department located on the premises of the hospital. Until July 1, 2005, additional emergency departments located off the premises of licensed hospitals may not be authorized by the agency.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 9, after the first semicolon (;) insert: amending s. 395.003, F.S.; requiring a report by the Agency for Health Care Administration regarding the licensure of emergency departments located off the premises of hospitals; prohibiting the issuance of licenses for such departments before July 1, 2005;

Senator Cowin moved the following amendment:

Amendment 10 (692032)(with title amendment)—On page 37, between lines 2 and 3, insert:

Section 25. Subsections (3) and (4) of section 400.9905, Florida Statutes, are amended, and subsections (5), (6), and (7) are added to that section, to read:

400.9905 Definitions.—

(3) "Clinic" means an entity at which health care services are provided to individuals and which tenders charges for reimbursement for such services, *including a mobile clinic and a portable equipment provider*. For purposes of this part, the term does not include and the licensure requirements of this part do not apply to:

(a) Entities *licensed or registered by the state under chapter 395; or entities licensed or registered by the state and providing only health care services within the scope of services authorized under their respective licenses granted under ss. 383.30-383.335, chapter 390, chapter 394, ~~chapter 395~~, chapter 397, this chapter except part XIII, chapter 463, chapter 465, chapter 466, chapter 478, part I of chapter 483 480, chapter 484, or chapter 651, end-stage renal disease providers authorized under 42 C.F.R. part 405, subpart U, or providers certified under 42 C.F.R. part 485, subpart B or subpart H, or any entity that provides neonatal or pediatric hospital-based healthcare services by licensed practitioners solely within a hospital licensed under chapter 395.*

(b) Entities *that own, directly or indirectly, entities licensed or registered by the state pursuant to chapter 395; or entities that own, directly or indirectly, entities licensed or registered by the state and providing only health care services within the scope of services authorized pursuant to their respective licenses granted under ss. 383.30-383.335, chapter 390, chapter 394, ~~chapter 395~~, chapter 397, this chapter except part XIII, chapter 463, chapter 465, chapter 466, chapter 478, part I of chapter 483 480, chapter 484, or chapter 651, end-stage renal disease providers authorized under 42 C.F.R. part 405, subpart U, or providers certified under 42 C.F.R. part 485, subpart B or subpart H, or any entity that provides neonatal or pediatric hospital-based healthcare services by licensed practitioners solely within a hospital licensed under chapter 395.*

(c) Entities *that are owned, directly or indirectly, by an entity licensed or registered by the state pursuant to chapter 395; or entities that are owned, directly or indirectly, by an entity licensed or registered by the state and providing only health care services within the scope of services authorized pursuant to their respective licenses granted under ss. 383.30-383.335, chapter 390, chapter 394, ~~chapter 395~~, chapter 397, this chapter except part XIII, chapter 463, chapter 465, chapter 466, chapter 478, part I of chapter 483 480, chapter 484, or chapter 651, end-stage renal disease providers authorized under 42 C.F.R. part 405, subpart U, or providers certified under 42 C.F.R. part 485, subpart B or subpart H, or any entity that provides neonatal or pediatric hospital-based healthcare services by licensed practitioners solely within a hospital licensed under chapter 395.*

(d) Entities *that are under common ownership, directly or indirectly, with an entity licensed or registered by the state pursuant to chapter 395; or entities that are under common ownership, directly or indirectly, with an entity licensed or registered by the state and providing only health care services within the scope of services authorized pursuant to its respective license granted under ss. 383.30-383.335, chapter 390, chapter 394, ~~chapter 395~~, chapter 397, this chapter except part XIII, chapter 463,*

chapter 465, chapter 466, chapter 478, part I of chapter 483 480, chapter 484, or chapter 651, end-stage renal disease providers authorized under 42 C.F.R. part 405, subpart U, or providers certified under 42 C.F.R. part 485, subpart B or subpart H, or any entity that provides neonatal or pediatric hospital-based services by licensed practitioners solely within a hospital licensed under chapter 395.

(e) An entity that is exempt from federal taxation under 26 U.S.C. s. 501(c)(3) or s. 501(c)(4), and any community college or university clinic, and any entity owned or operated by federal or state government, including agencies, subdivisions, or municipalities thereof.

(f) A sole proprietorship, group practice, partnership, or corporation that provides health care services by physicians covered by s. 627.419, that is directly supervised by one or more of such physicians, and that is wholly owned by one or more of those physicians or by a physician and the spouse, parent, child, or sibling of that physician.

(g)(f) A sole proprietorship, group practice, partnership, or corporation that provides health care services by licensed health care practitioners under chapter 457, chapter 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter 463, chapter 466, chapter 467, chapter 480, chapter 484, chapter 486, chapter 490, chapter 491, or part I, part III, part X, part XIII, or part XIV of chapter 468, or s. 464.012, which are wholly owned by one or more licensed health care practitioners practitioner, or the licensed health care practitioners set forth in this paragraph practitioner and the spouse, parent, or child, or sibling of a licensed health care practitioner, so long as one of the owners who is a licensed health care practitioner is supervising the services performed therein and is legally responsible for the entity's compliance with all federal and state laws. However, a health care practitioner may not supervise services beyond the scope of the practitioner's license, except that, for the purposes of this part, a clinic owned by a licensee in s. 456.053(3)(b) that provides only services authorized pursuant to s. 456.053(3)(b) may be supervised by a licensee specified in s. 456.053(3)(b).

(h)(g) Clinical facilities affiliated with an accredited medical school at which training is provided for medical students, residents, or fellows.

(i) Entities that provide only oncology or radiation therapy services by physicians licensed under chapter 458 or 459.

(4) "Medical director" means a physician who is employed or under contract with a clinic and who maintains a full and unencumbered physician license in accordance with chapter 458, chapter 459, chapter 460, or chapter 461. However, if the clinic does not provide services pursuant to the respective physician practice acts listed in this subsection, it is limited to providing health care services pursuant to chapter 457, chapter 484, chapter 486, chapter 490, or chapter 491 or part I, part III, part X, part XIII, or part XIV of chapter 468, the clinic may appoint a Florida-licensed health care practitioner who does not provide services pursuant to the respective physician practice acts listed in this subsection licensed under that chapter to serve as a clinic director who is responsible for the clinic's activities. A health care practitioner may not serve as the clinic director if the services provided at the clinic are beyond the scope of that practitioner's license, except that a licensee specified in s. 456.053(3)(b) that provides only services authorized pursuant to s. 456.053(3)(b) may serve as clinic director of an entity providing services as specified in s. 456.053(3)(b).

(5) "Mobile clinic" means a movable or detached self-contained health care unit within or from which direct health care services are provided to individuals and that otherwise meets the definition of a clinic in subsection (3).

(6) "Portable equipment provider" means an entity that contracts with or employs persons to provide portable equipment to multiple locations performing treatment or diagnostic testing of individuals, that bills third-party payors for those services, and that otherwise meets the definition of a clinic in subsection (3).

(7) "Chief financial officer" means an individual who has at least a minimum of a bachelor's degree from an accredited university in accounting, finance, or a related field and is the person responsible for the preparation of the clinic billing.

Section 26. The creation of paragraph 400.9905(3)(i), Florida Statutes, by this act is intended to clarify the legislative intent of this provi-

sion as it existed at the time the provision initially took effect as section 456.0375(1)(b), Florida Statutes, and paragraph 400.9905(3)(i), Florida Statutes, as created by this act, shall operate retroactively to October 1, 2001. Nothing in this section shall be construed as amending, modifying, limiting, or otherwise affecting in any way the legislative intent, scope, terms, prohibition, or requirements of section 456.053, Florida Statutes.

Section 27. Subsections (1), (2), and (3) and paragraphs (a) and (b) of subsection (7) of section 400.991, Florida Statutes, are amended to read:

400.991 License requirements; background screenings; prohibitions.—

(1)(a) Each clinic, as defined in s. 400.9905, must be licensed and shall at all times maintain a valid license with the agency. Each clinic location shall be licensed separately regardless of whether the clinic is operated under the same business name or management as another clinic.

(b) Each mobile clinic must obtain a separate health care clinic license and clinics must provide to the agency, at least quarterly, its their projected street location locations to enable the agency to locate and inspect such clinic clinics. A portable equipment provider must obtain a health care clinic license for a single administrative office and is not required to submit quarterly projected street locations.

(2) The initial clinic license application shall be filed with the agency by all clinics, as defined in s. 400.9905, on or before July March 1, 2004. A clinic license must be renewed biennially.

(3) Applicants that submit an application on or before July March 1, 2004, which meets all requirements for initial licensure as specified in this section shall receive a temporary license until the completion of an initial inspection verifying that the applicant meets all requirements in rules authorized by s. 400.9925. However, a clinic engaged in magnetic resonance imaging services may not receive a temporary license unless it presents evidence satisfactory to the agency that such clinic is making a good faith effort and substantial progress in seeking accreditation required under s. 400.9935.

(7) Each applicant for licensure shall comply with the following requirements:

(a) As used in this subsection, the term "applicant" means individuals owning or controlling, directly or indirectly, 5 percent or more of an interest in a clinic; the medical or clinic director, or a similarly titled person who is responsible for the day-to-day operation of the licensed clinic; the financial officer or similarly titled individual who is responsible for the financial operation of the clinic; and licensed health care practitioners medical providers at the clinic.

(b) Upon receipt of a completed, signed, and dated application, the agency shall require background screening of the applicant, in accordance with the level 2 standards for screening set forth in chapter 435. Proof of compliance with the level 2 background screening requirements of chapter 435 which has been submitted within the previous 5 years in compliance with any other health care licensure requirements of this state is acceptable in fulfillment of this paragraph. Applicants who own less than 10 percent of a health care clinic are not required to submit fingerprints under this section.

Section 28. Subsections (1), (9), and (11) of section 400.9935, Florida Statutes, are amended to read:

400.9935 Clinic responsibilities.—

(1) Each clinic shall appoint a medical director or clinic director who shall agree in writing to accept legal responsibility for the following activities on behalf of the clinic. The medical director or the clinic director shall:

(a) Have signs identifying the medical director or clinic director posted in a conspicuous location within the clinic readily visible to all patients.

(b) Ensure that all practitioners providing health care services or supplies to patients maintain a current active and unencumbered Florida license.

(c) Review any patient referral contracts or agreements executed by the clinic.

(d) Ensure that all health care practitioners at the clinic have active appropriate certification or licensure for the level of care being provided.

(e) Serve as the clinic records owner as defined in s. 456.057.

(f) Ensure compliance with the recordkeeping, office surgery, and adverse incident reporting requirements of chapter 456, the respective practice acts, and rules adopted under this part and part II of chapter 408.

(g) Conduct systematic reviews of clinic billings to ensure that the billings are not fraudulent or unlawful. Upon discovery of an unlawful charge, the medical director or clinic director shall take immediate corrective action. *If the clinic performs only the technical component of magnetic resonance imaging, static radiographs, computed tomography, or position emission tomography, and provides the professional interpretation of such services, in a fixed facility that is accredited by the Joint Commission on Accreditation of Healthcare Organizations or the Accreditation Association for Ambulatory Health Care, and the American College of Radiology; and if, in the preceding quarter, the percentage of scans performed by that clinic which was billed to all personal injury protection insurance carriers was less than 15 percent, the chief financial officer of the clinic may, in a written acknowledgement provided to the agency, assume the responsibility for the conduct of the systematic reviews of clinic billings to ensure that the billings are not fraudulent or unlawful.*

(9) Any person or entity providing health care services which is not a clinic, as defined under s. 400.9905, may voluntarily apply for a certificate of exemption from licensure under its exempt status with the agency on a form that sets forth its name or names and addresses, a statement of the reasons why it cannot be defined as a clinic, and other information deemed necessary by the agency. *An exemption is not transferable. The agency may charge an applicant for a certificate of exemption \$100 or the actual cost, whichever is less, for processing the certificate.*

(11)(a) Each clinic engaged in magnetic resonance imaging services must be accredited by the Joint Commission on Accreditation of Healthcare Organizations, the American College of Radiology, or the Accreditation Association for Ambulatory Health Care, within 1 year after licensure. However, a clinic may request a single, 6-month extension if it provides evidence to the agency establishing that, for good cause shown, such clinic can not be accredited within 1 year after licensure, and that such accreditation will be completed within the 6-month extension. After obtaining accreditation as required by this subsection, each such clinic must maintain accreditation as a condition of renewal of its license.

(b) The agency may ~~deny~~ ~~disallow~~ the application or ~~revoke~~ the license of any entity formed for the purpose of avoiding compliance with the accreditation provisions of this subsection and whose principals were previously principals of an entity that was unable to meet the accreditation requirements within the specified timeframes. The agency may adopt rules as to the accreditation of magnetic resonance imaging clinics.

Section 29. Subsections (1) and (3) of section 400.995, Florida Statutes, are amended, and subsection (10) is added to said section, to read:

400.995 Agency administrative penalties.—

(1) The agency may *deny the application for a license renewal, revoke or suspend the license, and impose administrative fines* ~~penalties against~~ ~~clines~~ of up to \$5,000 per violation for violations of the requirements of this part or rules of the agency. In determining if a penalty is to be imposed and in fixing the amount of the fine, the agency shall consider the following factors:

(a) The gravity of the violation, including the probability that death or serious physical or emotional harm to a patient will result or has resulted, the severity of the action or potential harm, and the extent to which the provisions of the applicable laws or rules were violated.

(b) Actions taken by the owner, medical director, or clinic director to correct violations.

(c) Any previous violations.

(d) The financial benefit to the clinic of committing or continuing the violation.

(3) Any action taken to correct a violation shall be documented in writing by the owner, medical director, or clinic director of the clinic and verified through followup visits by agency personnel. The agency may impose a fine and, in the case of an owner-operated clinic, revoke or deny a clinic's license when a clinic medical director or clinic director *knowingly fraudulently* misrepresents actions taken to correct a violation.

(10) *If the agency issues a notice of intent to deny a license application after a temporary license has been issued pursuant to s. 400.991(3), the temporary license shall expire on the date of the notice and may not be extended during any proceeding for administrative or judicial review pursuant to chapter 120.*

Section 30. *The agency shall refund 90 percent of the license application fee to applicants that submitted their health care clinic licensure fees and applications but were subsequently exempted from licensure by this act.*

Section 31. *Any person or entity defined as a clinic under s. 400.9905, Florida Statutes, shall not be in violation of part XIII of chapter 400, Florida Statutes, due to failure to apply for a clinic license by March 1, 2004, as previously required by s. 400.991, Florida Statutes. Payment to any such person or entity by an insurer or other person liable for payment to such person or entity may not be denied on the grounds that the person or entity failed to apply for or obtain a clinic license before March 1, 2004.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 23, after the first semicolon (;) insert: amending s. 400.9905, F.S.; revising the definitions of "clinic" and "medical director" and defining "chief financial officer," "mobile clinic," and "portable equipment provider" for purposes of the Health Care Clinic Act; providing that certain entities providing oncology or radiation therapy services are exempt from the licensure requirements of part XIII of ch. 400, F.S.; providing legislative intent with respect to such exemption; providing for retroactive application; amending s. 400.991, F.S.; requiring each mobile clinic to obtain a health care clinic license; requiring a portable equipment provider to obtain a health care clinic license for a single office and exempting such a provider from submitting certain information to the Agency for Health Care Administration; revising the date by which an initial application for a health care clinic license must be filed with the agency; revising the definition of "applicant"; amending s. 400.9935, F.S.; assigning responsibilities for ensuring billing; providing that an exemption from licensure is not transferable; providing that the agency may charge a fee of applicants for certificates of exemption; providing that the agency may deny an application or revoke a license under certain circumstances; amending s. 400.995, F.S.; providing that the agency may deny, revoke, or suspend specified licenses and impose fines for certain violations; providing that a temporary license expires after a notice of intent to deny an application is issued by the agency; providing that persons or entities made exempt under the act and which have paid the clinic licensure fee to the agency are entitled to a partial refund from the agency; providing that certain persons or entities are not in violation of part XIII of ch. 400, F.S., due to failure to apply for a clinic license by a specified date; providing that certain payments may not be denied to such persons or entities for failure to apply for or obtain a clinic license before a specified date;

Senator Cowin moved the following amendment to **Amendment 10** which was adopted:

Amendment 10A (763526)—On page 9, line 1, delete "*and part II of chapter 408*"

Amendment 10 as amended was adopted.

Senator Saunders moved the following amendments which were adopted:

Amendment 11 (711658)(with title amendment)—On page 37, between lines 2 and 3, insert:

Section 25. Paragraph (h) is added to subsection (3) of section 400.9905, Florida Statutes, to read:

400.9905 Definitions.—

(3) “Clinic” means an entity at which health care services are provided to individuals and which tenders charges for reimbursement for such services. For purposes of this part, the term does not include and the licensure requirements of this part do not apply to:

(h) *Entities that provide only oncology or radiation therapy services by physicians licensed under chapter 458 or chapter 459.*

Section 26. *The amendment made by this act to section 400.9905(3), Florida Statutes, is intended to clarify the legislative intent of this provision as it existed at the time the provision initially took effect as section 456.0375(1)(b), Florida Statutes, and section 400.9905(3)(h), Florida Statutes, as created by this act, shall operate retroactively to October 1, 2001.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 23, after the first semicolon (;) insert: amending s. 400.9905, F.S.; providing that certain entities providing oncology or radiation therapy services are exempt from the licensure requirements of part XIII of ch. 400, F.S.; providing legislative intent with respect to such exemption; providing for retroactive application;

Amendment 12 (742790)(with title amendment)—On page 45, line 10 through page 47, line 9, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 5, lines 15-17, delete those lines and insert: amending s.

Senator Wilson moved the following amendment which was adopted:

Amendment 13 (111390)(with title amendment)—On page 63, between lines 10 and 11, insert:

Section 41. Paragraph (a) of subsection (2) of section 381.7355, Florida Statutes, is amended to read:

381.7355 Project requirements; review criteria.—

(2) A proposal must include each of the following elements:

(a) The purpose and objectives of the proposal, including identification of the particular racial or ethnic disparity the project will address. The proposal must address one or more of the following priority areas:

1. Decreasing racial and ethnic disparities in maternal and infant mortality rates.
2. Decreasing racial and ethnic disparities in morbidity and mortality rates relating to cancer.
3. Decreasing racial and ethnic disparities in morbidity and mortality rates relating to HIV/AIDS.
4. Decreasing racial and ethnic disparities in morbidity and mortality rates relating to cardiovascular disease.
5. Decreasing racial and ethnic disparities in morbidity and mortality rates relating to diabetes.
6. Increasing adult and child immunization rates in certain racial and ethnic populations.
7. *Decreasing racial and ethnic disparities in oral health care.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 7, line 1, after the semicolon (;) insert: amending s. 381.7355, F.S.; providing an additional priority area;

Senator Saunders moved the following amendments which were adopted:

Amendment 14 (522140)(with title amendment)—On page 63, between lines 10 and 11, insert:

Section 41. Present subsection (2) of section 381.005, Florida Statutes, is redesignated as subsection (3), and a new subsection (2) is added to that section, to read:

381.005 Primary and preventive health services.—

(2) *Between October 1, or earlier if the vaccination is available, and February 1 of each year, subject to the availability of an adequate supply of the necessary vaccine, each hospital licensed pursuant to chapter 395 shall implement a program to offer immunizations against the influenza virus and pneumococcal bacteria to all patients age 65 or older, in accordance with the recommendations of the Advisory Committee on Immunization Practices of the United States Centers for Disease Control and Prevention and subject to the clinical judgment of the responsible practitioner.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 7, line 1, after the semicolon (;) insert: 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;

Amendment 15 (383876)(with title amendment)—On page 63, between lines 16 and 17, insert:

Section 42. Subsection (9) of section 409.907, Florida Statutes, is amended to read:

409.907 Medicaid provider agreements.—The agency may make payments for medical assistance and related services rendered to Medicaid recipients only to an individual or entity who has a provider agreement in effect with the agency, who is performing services or supplying goods in accordance with federal, state, and local law, and who agrees that no person shall, on the grounds of handicap, race, color, or national origin, or for any other reason, be subjected to discrimination under any program or activity for which the provider receives payment from the agency.

(9) Upon receipt of a completed, signed, and dated application, and completion of any necessary background investigation and criminal history record check, the agency must either:

(a) Enroll the applicant as a Medicaid provider no earlier than the effective date of the approval of the provider application. With respect to providers who were recently granted a change of ownership and those who primarily provide emergency medical services transportation or emergency services and care pursuant to s. 395.1041 or s. 401.45, or services provided by entities under s. 409.91255, and out-of-state providers, upon approval of the provider application, the effective date of approval is considered to be the date the agency receives the provider application; or

(b) Deny the application if the agency finds that it is in the best interest of the Medicaid program to do so. The agency may consider the factors listed in subsection (10), as well as any other factor that could affect the effective and efficient administration of the program, including, but not limited to, the applicant’s demonstrated ability to provide services, conduct business, and operate a financially viable concern; the current availability of medical care, services, or supplies to recipients, taking into account geographic location and reasonable travel time; the number of providers of the same type already enrolled in the same geographic area; and the credentials, experience, success, and patient outcomes of the provider for the services that it is making application to provide in the Medicaid program. The agency shall deny the application if the agency finds that a provider; any officer, director, agent, managing employee, or affiliated person; or any partner or shareholder having an ownership interest equal to 5 percent or greater in the provider if the provider is a corporation, partnership, or other business entity, has failed to pay all outstanding fines or overpayments assessed by final order of the agency or final order of the Centers for Medicare and Medicaid Services, not subject to further appeal, unless the provider agrees to a repayment plan that includes withholding Medicaid reimbursement until the amount due is paid in full.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 7, line 1, after the semicolon (;) insert: amending s. 409.907, F.S.; providing criteria for establishing the effective date of approval of certain applications to be a Medicaid provider;

Senators Garcia and Diaz de la Portilla offered the following amendment which was moved by Senator Garcia:

Amendment 16 (303380)(with title amendment)—On page 63, between lines 16 and 17, insert:

Section 42. *Notwithstanding any other law or local ordinance to the contrary and to ensure uniform health and safety standards, the regulation, identification, and packaging of meat, poultry, and fish is preempted to the state and the Department of Agriculture and Consumer Services.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 7, line 1, after the semicolon (;) insert: preempting the regulation, identification, and packaging of meat, poultry, and fish to the state and the Department of Agriculture and Consumer Services;

On motion by Senator Saunders, further consideration of **CS for SB 2448** with pending **Amendment 16 (303380)** was deferred.

On motion by Senator Sebesta—

CS for CS for SB 1456—A bill to be entitled An act relating to the Department of Transportation; amending s. 20.23, F.S.; authorizing the secretary of the department to appoint an additional assistant secretary and deputy assistant secretaries or directors; revising the organization of the department to specify areas of program responsibility; authorizing the secretary to reorganize offices within the department in consultation with the Executive Office of the Governor; amending s. 110.205, F.S., relating to career service; conforming provisions to changes made by the act; removing the toll on Navarre Bridge in Santa Rosa County; amending s. 338.251, F.S.; authorizing the Emerald Coast Bridge Authority to revise the repayment schedule of any previous advances for funds from the Toll Facilities Revolving Trust Fund within the department; providing that such repayment schedule is not a failure to repay under certain conditions; amending s. 334.30, F.S.; revising provisions for public-private construction of transportation facilities; providing procedures for requests for proposals and receipt of unsolicited proposals by the department; providing for use of certain funds under described conditions; amending s. 338.001, F.S., relating to the Florida Intrastate Highway System Plan; establishing a minimum annual allocation; amending s. 339.08, F.S.; revising provisions for use of moneys in the State Transportation Trust Fund; providing for use of such funds for projects on the Strategic Intermodal System; amending s. 339.135, F.S.; revising provisions for use of new discretionary highway capacity funds; providing for allocation of such funds to the Strategic Intermodal System; repealing s. 339.137, F.S., relating to the Transportation Outreach Program; amending s. 339.1371, F.S.; removing provisions to fund the Transportation Outreach Program; adding provisions to fund the Florida Strategic Intermodal System; amending s. 339.61, F.S., relating to the Florida Strategic Intermodal System; establishing a minimum annual allocation; providing authority to fund nonprofit organizations for aviation administration purposes; amending s. 332.007, F.S.; providing for the consolidation and conversion of loans to certain airports; amending s. 348.753, F.S.; adding the Mayor of Orlando to the governing body of the Orlando-Orange County Expressway Authority; amending s. 348.754, F.S.; requiring the consent of Orange County in order for the authority to exercise certain powers; repealing s. 348.0004(2)(m), F.S., relating to an obsolete provision authorizing expressway authorities to enter into public-private transportation partnerships; amending s. 348.0004, F.S.; creating a new process for expressway authorities to enter into public-private partnerships with private entities; directing the expressway authorities to adopt rules related to the public-private partnerships; specifying public notice requirements; specifying that public-private entities may impose tolls on the new facilities, but the expressway authority may regulate the amount and use of such tolls; providing that the Department of Transportation may loan funds from the Toll Facilities Revolving Loan Trust Fund for eligible projects; specifying project requirements; authorizing an expressway authority to exercise certain powers to facilitate the partnership projects; providing that intent of the act is

not to amend or impact other existing laws; amending s. 2 of chapter 88-418, Laws of Florida, as amended, relating to Crandon Boulevard; allowing expenditure of public funds for certain modifications to enhance life safety vehicular or pedestrian use under certain circumstances; providing an effective date.

—was read the second time by title.

Senator Sebesta moved the following amendments which were adopted:

Amendment 1 (495300)(with title amendment)—On page 8, lines 20-24, delete those lines and insert:

Section 3. Subsections (13) and (15), of section 177.031, Florida Statutes, are amended to read:

177.031 Definitions.—As used in this part:

(13) “P.C.P.” means permanent control point and shall be considered a reference monument.

(a) “P.C.P.s” set in impervious surfaces must:

1. Be composed of a metal marker with a point of reference.

2. Have a metal cap or disk bearing either the Florida registration number of the professional surveyor and mapper in responsible charge or the certificate of authorization number of the legal entity, which number shall be preceded by LS or LB as applicable and the letters “P.C.P.”

(b) “P.C.P.s” set in pervious surfaces must:

1. Consist of a metal rod having a minimum length of 18 inches and a minimum cross-section area of material of 0.2 square inches *In certain materials, encasement in concrete is optional for stability of the rod. When used, eneased in concrete.* the concrete shall have a minimum cross-section area of 12.25 square inches and be a minimum of 24 inches long.

2. Be identified with a durable marker or cap with the point of reference marked thereon bearing either the Florida registration number of the professional surveyor and mapper in responsible charge or the certificate of authorization number of the legal entity, which number shall be preceded by LS or LB as applicable and the letters “P.C.P.”

(c) “P.C.P.s” must be detectable with conventional instruments for locating ferrous or magnetic objects.

(15) “P.R.M.” means a permanent reference monument which must:

(a) Consist of a metal rod having a minimum length of 18 inches and a minimum cross-section area of material of 0.2 square inches *In certain materials, encasement in concrete is optional for stability of the rod. When used, eneased in concrete.* the concrete shall have a minimum cross-section area of 12.25 square inches and be a minimum of 24 inches long.

(b) Be identified with a durable marker or cap with the point of reference marked thereon bearing either the Florida registration number of the professional surveyor and mapper in responsible charge or the certificate of authorization number of the legal entity, which number shall be preceded by LS or LB as applicable and the letters “P.R.M.”

(c) Be detectable with conventional instruments for locating ferrous or magnetic objects.

If the location of the “P.R.M.” falls in a hard surface such as asphalt or concrete, alternate monumentation may be used that is durable and identifiable.

Section 4. Section 339.175, Florida Statutes, is amended to read:

339.175 Metropolitan planning organization.—It is the intent of the Legislature to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight within and through urbanized areas of this state while minimizing transportation-related fuel consumption and air pollution. To accomplish these objectives, metropolitan planning organizations, referred to in this section as

M.P.O.'s, shall develop, in cooperation with the state and public transit operators, transportation plans and programs for metropolitan areas. The plans and programs for each metropolitan area must provide for the development and integrated management and operation of transportation systems and facilities, including pedestrian walkways and bicycle transportation facilities that will function as an intermodal transportation system for the metropolitan area, based upon the prevailing principles provided in s. 334.046(1). The process for developing such plans and programs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive, to the degree appropriate, based on the complexity of the transportation problems to be addressed. *To ensure that the process is integrated with the statewide planning process, M.P.O.'s shall develop plans and programs that identify transportation facilities that should function as an integrated metropolitan transportation system, giving emphasis to facilities that serve important national, state, and regional transportation functions. For the purposes of this section, those facilities include the facilities on the Strategic Intermodal System designated under s. 339.63.*

(1) DESIGNATION.—

(a)1. An M.P.O. shall be designated for each urbanized area of the state; however, this does not require that an individual M.P.O. be designated for each such area. Such designation shall be accomplished by agreement between the Governor and units of general-purpose local government representing at least 75 percent of the population of the urbanized area; however, the unit of general-purpose local government that represents the central city or cities within the M.P.O. jurisdiction, as defined by the United States Bureau of the Census, must be a party to such agreement.

2. More than one M.P.O. may be designated within an existing metropolitan planning area only if the Governor and the existing M.P.O. determine that the size and complexity of the existing metropolitan planning area makes the designation of more than one M.P.O. for the area appropriate.

(b) Each M.P.O. shall be created and operated under the provisions of this section pursuant to an interlocal agreement entered into pursuant to s. 163.01. The signatories to the interlocal agreement shall be the department and the governmental entities designated by the Governor for membership on the M.P.O. If there is a conflict between this section and s. 163.01, this section prevails.

(c) The jurisdictional boundaries of an M.P.O. shall be determined by agreement between the Governor and the applicable M.P.O. The boundaries must include at least the metropolitan planning area, which is the existing urbanized area and the contiguous area expected to become urbanized within a 20-year forecast period, and may encompass the entire metropolitan statistical area or the consolidated metropolitan statistical area.

(d) In the case of an urbanized area designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act, 42 U.S.C. ss. 7401 et seq., the boundaries of the metropolitan planning area in existence as of the date of enactment of this paragraph shall be retained, except that the boundaries may be adjusted by agreement of the Governor and affected metropolitan planning organizations in the manner described in this section. If more than one M.P.O. has authority within a metropolitan area or an area that is designated as a nonattainment area, each M.P.O. shall consult with other M.P.O.'s designated for such area and with the state in the coordination of plans and programs required by this section.

Each M.P.O. required under this section must be fully operative no later than 6 months following its designation.

(2) VOTING MEMBERSHIP.—

(a) The voting membership of an M.P.O. shall consist of not fewer than 5 or more than 19 apportioned members, the exact number to be determined on an equitable geographic-population ratio basis by the Governor, based on an agreement among the affected units of general-purpose local government as required by federal rules and regulations. The Governor, in accordance with 23 U.S.C. s. 134, may also provide for M.P.O. members who represent municipalities to alternate with representatives from other municipalities within the metropolitan planning area that do not have members on the M.P.O. County commission members shall compose not less than one-third of the M.P.O. membership,

except for an M.P.O. with more than 15 members located in a county with a five-member county commission or an M.P.O. with 19 members located in a county with no more than 6 county commissioners, in which case county commission members may compose less than one-third percent of the M.P.O. membership, but all county commissioners must be members. All voting members shall be elected officials of general-purpose governments, except that an M.P.O. may include, as part of its apportioned voting members, a member of a statutorily authorized planning board, an official of an agency that operates or administers a major mode of transportation, or an official of the Florida Space Authority. The county commission shall compose not less than 20 percent of the M.P.O. membership if an official of an agency that operates or administers a major mode of transportation has been appointed to an M.P.O.

(b) In metropolitan areas in which authorities or other agencies have been or may be created by law to perform transportation functions and are performing transportation functions that are not under the jurisdiction of a general purpose local government represented on the M.P.O., they shall be provided voting membership on the M.P.O. In all other M.P.O.'s where transportation authorities or agencies are to be represented by elected officials from general purpose local governments, the M.P.O. shall establish a process by which the collective interests of such authorities or other agencies are expressed and conveyed.

(c) Any other provision of this section to the contrary notwithstanding, a chartered county with over 1 million population may elect to reapportion the membership of an M.P.O. whose jurisdiction is wholly within the county. The charter county may exercise the provisions of this paragraph if:

1. The M.P.O. approves the reapportionment plan by a three-fourths vote of its membership;

2. The M.P.O. and the charter county determine that the reapportionment plan is needed to fulfill specific goals and policies applicable to that metropolitan planning area; and

3. The charter county determines the reapportionment plan otherwise complies with all federal requirements pertaining to M.P.O. membership.

Any charter county that elects to exercise the provisions of this paragraph shall notify the Governor in writing.

(d) Any other provision of this section to the contrary notwithstanding, any county chartered under s. 6(e), Art. VIII of the State Constitution may elect to have its county commission serve as the M.P.O., if the M.P.O. jurisdiction is wholly contained within the county. Any charter county that elects to exercise the provisions of this paragraph shall so notify the Governor in writing. Upon receipt of such notification, the Governor must designate the county commission as the M.P.O. The Governor must appoint four additional voting members to the M.P.O., one of whom must be an elected official representing a municipality within the county, one of whom must be an expressway authority member, one of whom must be a person who does not hold elected public office and who resides in the unincorporated portion of the county, and one of whom must be a school board member.

(3) APPORTIONMENT.—

(a) The Governor shall, with the agreement of the affected units of general-purpose local government as required by federal rules and regulations, apportion the membership on the applicable M.P.O. among the various governmental entities within the area and shall prescribe a method for appointing alternate members who may vote at any M.P.O. meeting that an alternate member attends in place of a regular member. An appointed alternate member must be an elected official serving the same governmental entity or a general-purpose local government with jurisdiction within all or part of the area that the regular member serves. The governmental entity so designated shall appoint the appropriate number of members to the M.P.O. from eligible officials. Representatives of the department shall serve as nonvoting members of the M.P.O. Nonvoting advisers may be appointed by the M.P.O. as deemed necessary. The Governor shall review the composition of the M.P.O. membership in conjunction with the decennial census as prepared by the United States Department of Commerce, Bureau of the Census, and reapportion it as necessary to comply with subsection (2).

(b) Except for members who represent municipalities on the basis of alternating with representatives from other municipalities that do not

have members on the M.P.O. as provided in paragraph (2)(a), the members of an M.P.O. shall serve 4-year terms. Members who represent municipalities on the basis of alternating with representatives from other municipalities that do not have members on the M.P.O. as provided in paragraph (2)(a) may serve terms of up to 4 years as further provided in the interlocal agreement described in paragraph (1)(b). The membership of a member who is a public official automatically terminates upon the member's leaving his or her elective or appointive office for any reason, or may be terminated by a majority vote of the total membership of a county or city governing entity represented by the member. A vacancy shall be filled by the original appointing entity. A member may be reappointed for one or more additional 4-year terms.

(c) If a governmental entity fails to fill an assigned appointment to an M.P.O. within 60 days after notification by the Governor of its duty to appoint, that appointment shall be made by the Governor from the eligible representatives of that governmental entity.

(4) **AUTHORITY AND RESPONSIBILITY.**—The authority and responsibility of an M.P.O. is to manage a continuing, cooperative, and comprehensive transportation planning process that, based upon the prevailing principles provided in s. 334.046(1), results in the development of plans and programs which are consistent, to the maximum extent feasible, with the approved local government comprehensive plans of the units of local government the boundaries of which are within the metropolitan area of the M.P.O. An M.P.O. shall be the forum for cooperative decisionmaking by officials of the affected governmental entities in the development of the plans and programs required by subsections (5), (6), (7), and (8).

(5) **POWERS, DUTIES, AND RESPONSIBILITIES.**—The powers, privileges, and authority of an M.P.O. are those specified in this section or incorporated in an interlocal agreement authorized under s. 163.01. Each M.P.O. shall perform all acts required by federal or state laws or rules, now and subsequently applicable, which are necessary to qualify for federal aid. It is the intent of this section that each M.P.O. shall be involved in the planning and programming of transportation facilities, including, but not limited to, airports, intercity and high-speed rail lines, seaports, and intermodal facilities, to the extent permitted by state or federal law.

(a) Each M.P.O. shall, in cooperation with the department, develop:

1. A long-range transportation plan pursuant to the requirements of subsection (6);
2. An annually updated transportation improvement program pursuant to the requirements of subsection (7); and
3. An annual unified planning work program pursuant to the requirements of subsection (8).

(b) In developing the long-range transportation plan and the transportation improvement program required under paragraph (a), each M.P.O. shall provide for consideration of projects and strategies that will:

1. Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;
2. Increase the safety and security of the transportation system for motorized and nonmotorized users;
3. Increase the accessibility and mobility options available to people and for freight;
4. Protect and enhance the environment, promote energy conservation, and improve quality of life;
5. Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;
6. Promote efficient system management and operation; and
7. Emphasize the preservation of the existing transportation system.

(c) In order to provide recommendations to the department and local governmental entities regarding transportation plans and programs, each M.P.O. shall:

1. Prepare a congestion management system for the metropolitan area and cooperate with the department in the development of all other transportation management systems required by state or federal law;
2. Assist the department in mapping transportation planning boundaries required by state or federal law;
3. Assist the department in performing its duties relating to access management, functional classification of roads, and data collection;
4. Execute all agreements or certifications necessary to comply with applicable state or federal law;
5. Represent all the jurisdictional areas within the metropolitan area in the formulation of transportation plans and programs required by this section; and
6. Perform all other duties required by state or federal law.

(d) Each M.P.O. shall appoint a technical advisory committee that includes planners; engineers; representatives of local aviation authorities, port authorities, and public transit authorities or representatives of aviation departments, seaport departments, and public transit departments of municipal or county governments, as applicable; the school superintendent of each county within the jurisdiction of the M.P.O. or the superintendent's designee; and other appropriate representatives of affected local governments. In addition to any other duties assigned to it by the M.P.O. or by state or federal law, the technical advisory committee is responsible for considering safe access to schools in its review of transportation project priorities, long-range transportation plans, and transportation improvement programs, and shall advise the M.P.O. on such matters. In addition, the technical advisory committee shall coordinate its actions with local school boards and other local programs and organizations within the metropolitan area which participate in school safety activities, such as locally established community traffic safety teams. Local school boards must provide the appropriate M.P.O. with information concerning future school sites and in the coordination of transportation service.

(e)1. Each M.P.O. shall appoint a citizens' advisory committee, the members of which serve at the pleasure of the M.P.O. The membership on the citizens' advisory committee must reflect a broad cross section of local residents with an interest in the development of an efficient, safe, and cost-effective transportation system. Minorities, the elderly, and the handicapped must be adequately represented.

2. Notwithstanding the provisions of subparagraph 1., an M.P.O. may, with the approval of the department and the applicable federal governmental agency, adopt an alternative program or mechanism to ensure citizen involvement in the transportation planning process.

(f) The department shall allocate to each M.P.O., for the purpose of accomplishing its transportation planning and programming duties, an appropriate amount of federal transportation planning funds.

(g) Each M.P.O. may employ personnel or may enter into contracts with local or state agencies, private planning firms, or private engineering firms to accomplish its transportation planning and programming duties required by state or federal law.

(h) A chair's coordinating committee is created, composed of the M.P.O.'s serving Hernando, Hillsborough, Manatee, Pasco, Pinellas, Polk, and Sarasota Counties. The committee must, at a minimum:

1. Coordinate transportation projects deemed to be regionally significant by the committee.
2. Review the impact of regionally significant land use decisions on the region.
3. Review all proposed regionally significant transportation projects in the respective transportation improvement programs which affect more than one of the M.P.O.'s represented on the committee.
4. Institute a conflict resolution process to address any conflict that may arise in the planning and programming of such regionally significant projects.

(i)1. The Legislature finds that the state's rapid growth in recent decades has caused many urbanized areas subject to M.P.O. jurisdiction

to become contiguous to each other. As a result, various transportation projects may cross from the jurisdiction of one M.P.O. into the jurisdiction of another M.P.O. To more fully accomplish the purposes for which M.P.O.'s have been mandated, M.P.O.'s shall develop coordination mechanisms with one another to expand and improve transportation within the state. The appropriate method of coordination between M.P.O.'s shall vary depending upon the project involved and given local and regional needs. Consequently, it is appropriate to set forth a flexible methodology that can be used by M.P.O.'s to coordinate with other M.P.O.'s and appropriate political subdivisions as circumstances demand.

2. Any M.P.O. may join with any other M.P.O. or any individual political subdivision to coordinate activities or to achieve any federal or state transportation planning or development goals or purposes consistent with federal or state law. When an M.P.O. determines that it is appropriate to join with another M.P.O. or any political subdivision to coordinate activities, the M.P.O. or political subdivision shall enter into an interlocal agreement pursuant to s. 163.01, which, at a minimum, creates a separate legal or administrative entity to coordinate the transportation planning or development activities required to achieve the goal or purpose; provide the purpose for which the entity is created; provide the duration of the agreement and the entity, and specify how the agreement may be terminated, modified, or rescinded; describe the precise organization of the entity, including who has voting rights on the governing board, whether alternative voting members are provided for, how voting members are appointed, and what the relative voting strength is for each constituent M.P.O. or political subdivision; provide the manner in which the parties to the agreement will provide for the financial support of the entity and payment of costs and expenses of the entity; provide the manner in which funds may be paid to and disbursed from the entity; and provide how members of the entity will resolve disagreements regarding interpretation of the interlocal agreement or disputes relating to the operation of the entity. Such interlocal agreement shall become effective upon its recordation in the official public records of each county in which a member of the entity created by the interlocal agreement has a voting member. This paragraph does not require any M.P.O.'s to merge, combine, or otherwise join together as a single M.P.O.

(6) LONG-RANGE TRANSPORTATION PLAN.—Each M.P.O. must develop a long-range transportation plan that addresses at least a 20-year planning horizon. The plan must include both long-range and short-range strategies and must comply with all other state and federal requirements. The prevailing principles to be considered in the long-range transportation plan are: preserving the existing transportation infrastructure; enhancing Florida's economic competitiveness; and improving travel choices to ensure mobility. The long-range transportation plan must be consistent, to the maximum extent feasible, with future land use elements and the goals, objectives, and policies of the approved local government comprehensive plans of the units of local government located within the jurisdiction of the M.P.O. The approved long-range transportation plan must be considered by local governments in the development of the transportation elements in local government comprehensive plans and any amendments thereto. The long-range transportation plan must, at a minimum:

(a) Identify transportation facilities, including, but not limited to, major roadways, airports, seaports, spaceports, commuter rail systems, transit systems, and intermodal or multimodal terminals that will function as an integrated metropolitan transportation system. The long-range transportation plan must give emphasis to those transportation facilities that serve national, statewide, or regional functions, and must consider the goals and objectives identified in the Florida Transportation Plan as provided in s. 339.155. If a project is located within the boundaries of more than one M.P.O., the M.P.O.'s must coordinate plans regarding the project in the long-range transportation plan.

(b) Include a financial plan that demonstrates how the plan can be implemented, indicating resources from public and private sources which are reasonably expected to be available to carry out the plan, and recommends any additional financing strategies for needed projects and programs. The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted long-range transportation plan if reasonable additional resources beyond those identified in the financial plan were available. For the purpose of developing the long-range transportation plan, the M.P.O. and the department shall cooperatively develop estimates of funds that will be available to support the plan implementation. Innovative financing tech-

niques may be used to fund needed projects and programs. Such techniques may include the assessment of tolls, the use of value capture financing, or the use of value pricing.

(c) Assess capital investment and other measures necessary to:

1. Ensure the preservation of the existing metropolitan transportation system including requirements for the operation, resurfacing, restoration, and rehabilitation of major roadways and requirements for the operation, maintenance, modernization, and rehabilitation of public transportation facilities; and

2. Make the most efficient use of existing transportation facilities to relieve vehicular congestion and maximize the mobility of people and goods.

(d) Indicate, as appropriate, proposed transportation enhancement activities, including, but not limited to, pedestrian and bicycle facilities, scenic easements, landscaping, historic preservation, mitigation of water pollution due to highway runoff, and control of outdoor advertising.

(e) In addition to the requirements of paragraphs (a)-(d), in metropolitan areas that are classified as nonattainment areas for ozone or carbon monoxide, the M.P.O. must coordinate the development of the long-range transportation plan with the State Implementation Plan developed pursuant to the requirements of the federal Clean Air Act.

In the development of its long-range transportation plan, each M.P.O. must provide the public, affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties with a reasonable opportunity to comment on the long-range transportation plan. The long-range transportation plan must be approved by the M.P.O.

(7) TRANSPORTATION IMPROVEMENT PROGRAM.—Each M.P.O. shall, in cooperation with the state and affected public transportation operators, develop a transportation improvement program for the area within the jurisdiction of the M.P.O. In the development of the transportation improvement program, each M.P.O. must provide the public, affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties with a reasonable opportunity to comment on the proposed transportation improvement program.

(a) Each M.P.O. is responsible for developing, annually, a list of project priorities and a transportation improvement program. The prevailing principles to be considered by each M.P.O. when developing a list of project priorities and a transportation improvement program are: preserving the existing transportation infrastructure; enhancing Florida's economic competitiveness; and improving travel choices to ensure mobility. The transportation improvement program will be used to initiate federally aided transportation facilities and improvements as well as other transportation facilities and improvements including transit, rail, aviation, spaceport, and port facilities to be funded from the State Transportation Trust Fund within its metropolitan area in accordance with existing and subsequent federal and state laws and rules and regulations related thereto. The transportation improvement program shall be consistent, to the maximum extent feasible, with the approved local government comprehensive plans of the units of local government whose boundaries are within the metropolitan area of the M.P.O.

(b) Each M.P.O. annually shall prepare a list of project priorities and shall submit the list to the appropriate district of the department by October 1 of each year; however, the department and a metropolitan planning organization may, in writing, agree to vary this submittal date. The list of project priorities must be formally reviewed by the technical and citizens' advisory committees, and approved by the M.P.O., before it is transmitted to the district. The approved list of project priorities must be used by the district in developing the district work program and must be used by the M.P.O. in developing its transportation improvement program. The annual list of project priorities must be based upon project selection criteria that, at a minimum, consider the following:

1. The approved M.P.O. long-range transportation plan;
2. *The Strategic Intermodal System Plan developed under s. 339.64.*

- 3.2. The results of the transportation management systems; and
- 4.3. The M.P.O.'s public-involvement procedures.
- (c) The transportation improvement program must, at a minimum:
1. Include projects and project phases to be funded with state or federal funds within the time period of the transportation improvement program and which are recommended for advancement during the next fiscal year and 4 subsequent fiscal years. Such projects and project phases must be consistent, to the maximum extent feasible, with the approved local government comprehensive plans of the units of local government located within the jurisdiction of the M.P.O. For informational purposes, the transportation improvement program shall also include a list of projects to be funded from local or private revenues.
 2. Include projects within the metropolitan area which are proposed for funding under 23 U.S.C. s. 134 of the Federal Transit Act and which are consistent with the long-range transportation plan developed under subsection (6).
 3. Provide a financial plan that demonstrates how the transportation improvement program can be implemented; indicates the resources, both public and private, that are reasonably expected to be available to accomplish the program; identifies any innovative financing techniques that may be used to fund needed projects and programs; and may include, for illustrative purposes, additional projects that would be included in the approved transportation improvement program if reasonable additional resources beyond those identified in the financial plan were available. Innovative financing techniques may include the assessment of tolls, the use of value capture financing, or the use of value pricing. The transportation improvement program may include a project or project phase only if full funding can reasonably be anticipated to be available for the project or project phase within the time period contemplated for completion of the project or project phase.
 4. Group projects and project phases of similar urgency and anticipated staging into appropriate staging periods.
 5. Indicate how the transportation improvement program relates to the long-range transportation plan developed under subsection (6), including providing examples of specific projects or project phases that further the goals and policies of the long-range transportation plan.
 6. Indicate whether any project or project phase is inconsistent with an approved comprehensive plan of a unit of local government located within the jurisdiction of the M.P.O. If a project is inconsistent with an affected comprehensive plan, the M.P.O. must provide justification for including the project in the transportation improvement program.
 7. Indicate how the improvements are consistent, to the maximum extent feasible, with affected seaport, airport, and spaceport master plans and with public transit development plans of the units of local government located within the jurisdiction of the M.P.O. If a project is located within the boundaries of more than one M.P.O., the M.P.O.'s must coordinate plans regarding the project in the transportation improvement program.
- (d) Projects included in the transportation improvement program and that have advanced to the design stage of preliminary engineering may be removed from or rescheduled in a subsequent transportation improvement program only by the joint action of the M.P.O. and the department. Except when recommended in writing by the district secretary for good cause, any project removed from or rescheduled in a subsequent transportation improvement program shall not be rescheduled by the M.P.O. in that subsequent program earlier than the 5th year of such program.
- (e) During the development of the transportation improvement program, the M.P.O. shall, in cooperation with the department and any affected public transit operation, provide citizens, affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties with reasonable notice of and an opportunity to comment on the proposed program.
- (f) The adopted annual transportation improvement program for M.P.O.'s in nonattainment or maintenance areas must be submitted to

the district secretary and the Department of Community Affairs at least 90 days before the submission of the state transportation improvement program by the department to the appropriate federal agencies. The annual transportation improvement program for M.P.O.'s in attainment areas must be submitted to the district secretary and the Department of Community Affairs at least 45 days before the department submits the state transportation improvement program to the appropriate federal agencies; however, the department, the Department of Community Affairs, and a metropolitan planning organization may, in writing, agree to vary this submittal date. The Governor or the Governor's designee shall review and approve each transportation improvement program and any amendments thereto.

(g) The Department of Community Affairs shall review the annual transportation improvement program of each M.P.O. for consistency with the approved local government comprehensive plans of the units of local government whose boundaries are within the metropolitan area of each M.P.O. and shall identify those projects that are inconsistent with such comprehensive plans. The Department of Community Affairs shall notify an M.P.O. of any transportation projects contained in its transportation improvement program which are inconsistent with the approved local government comprehensive plans of the units of local government whose boundaries are within the metropolitan area of the M.P.O.

(h) The M.P.O. shall annually publish or otherwise make available for public review the annual listing of projects for which federal funds have been obligated in the preceding year. Project monitoring systems must be maintained by those agencies responsible for obligating federal funds and made accessible to the M.P.O.'s.

(8) UNIFIED PLANNING WORK PROGRAM.—Each M.P.O. shall develop, in cooperation with the department and public transportation providers, a unified planning work program that lists all planning tasks to be undertaken during the program year. The unified planning work program must provide a complete description of each planning task and an estimated budget therefor and must comply with applicable state and federal law.

(9) AGREEMENTS.—

(a) Each M.P.O. shall execute the following written agreements, which shall be reviewed, and updated as necessary, every 5 years:

1. An agreement with the department clearly establishing the cooperative relationship essential to accomplish the transportation planning requirements of state and federal law.

2. An agreement with the metropolitan and regional intergovernmental coordination and review agencies serving the metropolitan areas, specifying the means by which activities will be coordinated and how transportation planning and programming will be part of the comprehensive planned development of the area.

3. An agreement with operators of public transportation systems, including transit systems, commuter rail systems, airports, seaports, and spaceports, describing the means by which activities will be coordinated and specifying how public transit, commuter rail, aviation, seaport, and aerospace planning and programming will be part of the comprehensive planned development of the metropolitan area.

(b) An M.P.O. may execute other agreements required by state or federal law or as necessary to properly accomplish its functions.

(10) METROPOLITAN PLANNING ORGANIZATION ADVISORY COUNCIL.—

(a) A Metropolitan Planning Organization Advisory Council is created to augment, and not supplant, the role of the individual M.P.O.'s in the cooperative transportation planning process described in this section.

(b) The council shall consist of one representative from each M.P.O. and shall elect a chairperson annually from its number. Each M.P.O. shall also elect an alternate representative from each M.P.O. to vote in the absence of the representative. Members of the council do not receive any compensation for their services, but may be reimbursed from funds made available to council members for travel and per diem expenses incurred in the performance of their council duties as provided in s. 112.061.

(c) The powers and duties of the Metropolitan Planning Organization Advisory Council are to:

1. Enter into contracts with individuals, private corporations, and public agencies.
2. Acquire, own, operate, maintain, sell, or lease personal property essential for the conduct of business.
3. Accept funds, grants, assistance, gifts, or bequests from private, local, state, or federal sources.
4. Establish bylaws and adopt rules pursuant to ss. 120.536(1) and 120.54 to implement provisions of law conferring powers or duties upon it.
5. Assist M.P.O.'s in carrying out the urbanized area transportation planning process by serving as the principal forum for collective policy discussion pursuant to law.
6. Serve as a clearinghouse for review and comment by M.P.O.'s on the Florida Transportation Plan and on other issues required to comply with federal or state law in carrying out the urbanized area transportation and systematic planning processes instituted pursuant to s. 339.155.
7. Employ an executive director and such other staff as necessary to perform adequately the functions of the council, within budgetary limitations. The executive director and staff are exempt from part II of chapter 110 and serve at the direction and control of the council. The council is assigned to the Office of the Secretary of the Department of Transportation for fiscal and accountability purposes, but it shall otherwise function independently of the control and direction of the department.
8. Adopt an agency strategic plan that provides the priority directions the agency will take to carry out its mission within the context of the state comprehensive plan and any other statutory mandates and directions given to the agency.

(11) APPLICATION OF FEDERAL LAW.—Upon notification by an agency of the Federal Government that any provision of this section conflicts with federal laws or regulations, such federal laws or regulations will take precedence to the extent of the conflict until such conflict is resolved. The department or an M.P.O. may take any necessary action to comply with such federal laws and regulations or to continue to remain eligible to receive federal funds.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 2-15, delete those lines and insert: An act relating to transportation; amending s. 20.23, F.S.; authorizing the secretary of the department to appoint an additional assistant secretary and deputy assistant secretaries or directors; revising the organization of the department to specify areas of program responsibility; authorizing the secretary to reorganize offices within the department in consultation with the Executive Office of the Governor; amending s. 110.205, F.S., relating to career service; conforming provisions to changes made by the act; amending 177.031, F.S.; providing that encasement in concrete is optional for survey markers made of certain materials; amending s. 339.175, F.S.; revising planning procedures of metropolitan planning organizations; requiring development of plans and programs that identify transportation facilities that should function as an integrated metropolitan planning system; requiring that the approved list of project priorities include projects on the Strategic Intermodal System; amending s. 338.251, F.S.;

Amendment 2 (214282)—On page 10, line 30, delete “may” and insert: *shall may*

Senator Sebesta moved the following amendment:

Amendment 3 (392054)(with title amendment)—On page 19, line 8 through page 20, line 20, delete those lines and insert:

Section 12. Subsection (1) of section 337.401, Florida Statutes, is amended to read:

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

(1) The department and local governmental entities, referred to in ss. 337.401-337.404 as the “authority,” that have jurisdiction and control of public roads or publicly owned rail corridors are authorized to prescribe and enforce reasonable rules or regulations with reference to the placing and maintaining along, across, or on any road or publicly owned rail corridors under their respective jurisdictions any electric transmission, telephone, telegraph, or other communications services lines; pole lines; poles; railways; ditches; sewers; water, heat, or gas mains; pipelines; fences; gasoline tanks and pumps; or other structures hereinafter referred to as the “utility.” The department may enter into a permit-delegation agreement with a governmental entity if issuance of a permit is based on requirements that the department finds will ensure the safety and integrity of facilities of the Department of Transportation; *however, the permit-delegation agreement does not apply to facilities of electric utilities as defined in s. 366.02(2).*

Section 13. Section 95.361, Florida Statutes, is amended to read:

95.361 Roads presumed to be dedicated.—

(1) When a road, constructed by a county, a municipality, or the Department of Transportation, has been maintained or repaired continuously and uninterruptedly for 4 years by the county, municipality, or the Department of Transportation, jointly or severally, the road shall be deemed to be dedicated to the public to the extent in width that has been actually maintained for the prescribed period, whether or not the road has been formally established as a public highway. The dedication shall vest all right, title, easement, and appurtenances in and to the road in:

- (a) The county, if it is a county road;
- (b) The municipality, if it is a municipal street or road; or
- (c) The state, if it is a road in the State Highway System or State Park Road System,

whether or not there is a record of a conveyance, dedication, or appropriation to the public use.

(2) In those instances where a road has been constructed by a non-governmental entity, or where the road was not constructed by the entity currently maintaining or repairing it, or where it cannot be determined who constructed the road, and when such road has been regularly maintained or repaired for the immediate past 7 years by a county, a municipality, or the Department of Transportation, whether jointly or severally, such road shall be deemed to be dedicated to the public to the extent of the width that actually has been maintained or repaired for the prescribed period, whether or not the road has been formally established as a public highway. *This subsection shall not apply to an electric utility, as defined in s. 366.02(2)* The dedication shall vest all rights, title, easement, and appurtenances in and to the road in:

- (a) The county, if it is a county road;
- (b) The municipality, if it is a municipal street or road; or
- (c) The state, if it is a road in the State Highway System or State Park Road System,

whether or not there is a record of conveyance, dedication, or appropriation to the public use.

(3) The filing of a map in the office of the clerk of the circuit court of the county where the road is located showing the lands and reciting on it that the road has vested in the state, a county, or a municipality in accordance with subsection (1) or subsection (2) or by any other means of acquisition, duly certified by:

- (a) The secretary of the Department of Transportation, or the secretary's designee, if the road is a road in the State Highway System or State Park Road System;
- (b) The chair and clerk of the board of county commissioners of the county, if the road is a county road; or
- (c) The mayor and clerk of the municipality, if the road is a municipal road or street,

shall be prima facie evidence of ownership of the land by the state, county, or municipality, as the case may be.

(4) Any person, firm, corporation, or entity having or claiming any interest in and to any of the property affected by subsection (2) shall have and is hereby allowed a period of 1 year after the effective date of this subsection, or a period of 7 years after the initial date of regular maintenance or repair of the road, whichever period is greater, to file a claim in equity or with a court of law against the particular governing authority assuming jurisdiction over such property to cause a cessation of the maintenance and occupation of the property. Such timely filed and adjudicated claim shall prevent the dedication of the road to the public pursuant to subsection (2).

(5) *This section does not apply to any facility of an electric utility which is located on property otherwise subject to this section.*

Section 14. Subsections (2) and (6) of section 341.8203, Florida Statutes, are amended to read:

341.8203 Definitions.—As used in this act, unless the context clearly indicates otherwise, the term:

(2) “Authority” means the Florida High-Speed Rail Authority and its agents. *However, for purposes of s. 341.840, the term does not include any agent of the authority except as provided in that section.*

(6) “High-speed rail system” means any high-speed fixed guideway system for transporting people or goods, which system is capable of operating at speeds in excess of 120 miles per hour, including, but not limited to, a monorail system, dual track rail system, suspended rail system, magnetic levitation system, pneumatic repulsion system, or other system approved by the authority. The term includes a corridor and structures essential to the operation of the line, including the land, structures, improvements, rights-of-way, easements, rail lines, rail beds, guideway structures, ~~stations, platforms, switches, yards, parking facilities, power relays, switching houses, and rail stations, associated development, and also includes any other facilities or equipment used exclusively or useful~~ for the purposes of high-speed rail system design, construction, operation, maintenance, or the financing of the high-speed rail system.

Section 15. Section 341.840, Florida Statutes, is amended to read:

341.840 Tax exemption.—

(1) The exercise of the powers granted by this act will be in all respects for the benefit of the people of this state, for the increase of their commerce, welfare, and prosperity, and for the improvement of their health and living conditions. ~~and as~~ The design, construction, building, operation, maintenance, and financing of a high-speed rail system by the authority, or its agent, or the owner or lessee thereof, as herein authorized, constitutes the performance of an essential public function.

(2)(a) *For the purposes of this section, the term “authority” does not include agents of the authority other than contractors who qualify as such pursuant to subsection (7).*

(b) *For the purposes of this section, any item or property that is within the definition of “associated development” in s. 341.8203(1) shall not be considered to be part of the high-speed rail system as defined in s. 341.8203(6).*

(3)(a) *Purchases or leases of tangible personal property or real property by the authority, excluding agents of the authority, are exempt from taxes imposed by chapter 212 as provided in s. 212.08(6). Purchases or leases of tangible personal property that is incorporated into the high-speed rail system as a component part thereof, as determined by the authority, by agents of the authority or the owner of the high-speed rail system are exempt from sales or use taxes imposed by chapter 212. Leases, rentals, or licenses to use real property granted to agents of the authority or the owner of the high-speed rail system are exempt from taxes imposed by s. 212.031 if the real property becomes part of such system. The exemptions granted in this subsection do not apply to sales, leases, or licenses by the authority, agents of the authority, or the owner of the high-speed rail system.*

(b) *The exemption granted in paragraph (a) to purchases or leases of tangible personal property by agents of the authority or by the owner of*

the high-speed rail system applies only to property that becomes a component part of such system. It does not apply to items, including, but not limited to, cranes, bulldozers, forklifts, other machinery and equipment, tools and supplies, or other items of tangible personal property used in the construction, operation, or maintenance of the high-speed rail system when such items are not incorporated into the high-speed rail system as a component part thereof.

(4) ~~Any bonds or other, neither the authority, its agent, nor the owner of such system shall be required to pay any taxes or assessments upon or in respect to the system or any property acquired or used by the authority, its agent, or such owner under the provisions of this act or upon the income therefrom, any security, and all notes, mortgages, security agreements, letters of credit, or other instruments that arise out of or are given to secure the repayment of bonds or other security, issued by the authority, or on behalf of the authority therefor, their transfer, and the income therefrom, including any profit made on the sale thereof, shall at all times be free from taxation of every kind by the state, the counties, and the municipalities and other political subdivisions in the state. This subsection, however, does not exempt from taxation or assessment the leasehold interest of a lessee in any project or any other property or interest owned by the lessee. The exemption granted by this subsection is not applicable to any tax imposed by chapter 220 on interest income or profits on the sale of debt obligations owned by corporations.~~

(5) *When property of the authority is leased to another person or entity, the property shall be exempt from ad valorem taxation only if the use by the lessee qualifies the property for exemption under s. 196.199.*

(6) *A leasehold interest held by the authority is not subject to intangible tax. However, if a leasehold interest held by the authority is subleased to a nongovernmental lessee, such subleasehold interest shall be deemed to be an interest described in s. 199.023(1)(d), and is subject to the intangible tax.*

(7)(a) *In order to be considered an agent of the authority for purposes of the exemption from sales and use tax granted by subsection (3) for tangible personal property incorporated into the high-speed rail system, a contractor of the authority that purchases or fabricates such tangible personal property must be certified by the authority as provided in this subsection.*

(b)1. *A contractor must apply for a renewal of the exemption not later than December 1 of each calendar year.*

2. *A contractor must apply to the authority on the application form adopted by the authority, which shall develop the form in consultation with the Department of Revenue.*

3. *The authority shall review each submitted application and determine whether it is complete. The authority shall notify the applicant of any deficiencies in the application within 30 days. Upon receipt of a completed application, the authority shall evaluate the application for exemption under this subsection and issue a certification that the contractor is qualified to act as an agent of the authority for purposes of this section or a denial of such certification within 30 days. The authority shall provide the Department of Revenue with a copy of each certification issued upon approval of an application. Upon receipt of a certification from the authority, the Department of Revenue shall issue an exemption permit to the contractor.*

(c)1. *The contractor may extend a copy of its exemption permit to its vendors in lieu of paying sales tax on purchases of tangible personal property qualifying for exemption under this section. Possession of a copy of the exemption permit relieves the seller of the responsibility of collecting tax on the sale, and the Department of Revenue shall look solely to the contractor for recovery of tax upon a determination that the contractor was not entitled to the exemption.*

2. *The contractor may extend a copy of its exemption permit to real property subcontractors supplying and installing tangible personal property that is exempt under subsection (3). Any such subcontractor is authorized to extend a copy of the permit to the subcontractor’s vendors in order to purchase qualifying tangible personal property tax-exempt. If the subcontractor uses the exemption permit to purchase tangible personal property that is determined not to qualify for exemption under subsection (3), the Department of Revenue may assess and collect any tax, penalties, and interest that are due from either the contractor holding the*

exemption permit or the subcontractor that extended the exemption permit to the seller.

(d) Any contractor authorized to act as an agent of the authority under this section shall maintain the necessary books and records to document the exempt status of purchases and fabrication costs made or incurred under the permit. In addition, an authorized contractor extending its exemption permit to its subcontractors shall maintain a copy of the subcontractor's books, records, and invoices indicating all purchases made by the subcontractor under the authorized contractor's permit. If, in an audit conducted by the Department of Revenue, it is determined that tangible personal property purchased or fabricated claiming exemption under this section does not meet the criteria for exemption, the amount of taxes not paid at the time of purchase or fabrication shall be immediately due and payable to the Department of Revenue, together with the appropriate interest and penalty, computed from the date of purchase, in the manner prescribed by chapter 212.

(e) If a contractor fails to apply for a high-speed rail system exemption permit, or if a contractor initially determined by the authority to not qualify for exemption is subsequently determined to be eligible, the contractor shall receive the benefit of the exemption in this subsection through a refund of previously paid taxes for transactions that otherwise would have been exempt. A refund may not be made for such taxes without the issuance of a certification by the authority that the contractor was authorized to make purchases tax-exempt and a determination by the Department of Revenue that the purchases qualified for the exemption.

(f) The authority may adopt rules governing the application process for exemption of a contractor as an authorized agent of the authority.

(g) The Department of Revenue may adopt rules governing the issuance and form of high-speed rail system exemption permits, the audit of contractors and subcontractors using such permits, the recapture of taxes on nonqualified purchases, and the manner and form of refund applications.

Section 16. Section 343.71, Florida Statutes, is amended to read:

343.71 Short title.—This part may be cited as the “Tampa Bay Commuter Transit Rail Authority Act.”

Section 17. Subsection (1) of section 343.72, Florida Statutes, is amended to read:

343.72 Definitions.—As used in this part, unless the context clearly indicates otherwise, the term:

(1) “Authority” means the Tampa Bay Commuter Transit Rail Authority.

Section 18. Section 343.73, Florida Statutes, is amended to read:

343.73 Tampa Bay Commuter Transit Rail Authority.—

(1) There is created and established a body politic and corporate, an agency of the state, to be known as the Tampa Bay Commuter Transit Rail Authority, hereinafter referred to as the authority.

(2) The board shall consist of the following members:

(a) The metropolitan planning organizations of Hernando, Hillsborough, Pasco, Pinellas, Manatee, Sarasota, and Polk Counties shall each elect a member as its representative on the board. The member must be an elected official and a member of the respective metropolitan planning organization when elected and for the full extent of his or her term on the board.

(b) The county commissions of those counties shall each appoint a citizen member to the board who is not a county commissioner but who is a resident and a qualified elector of that county. Insofar as is practicable, the citizen member shall represent the business and civic interests of the community.

(c) The Secretary of Transportation shall appoint as a member of the board the district secretary, or his or her designee, for each district within the seven five counties served by the authority.

(d) The local transit authority in each of the seven five counties shall elect one member who shall serve as an ex officio nonvoting member of the board.

(e) The Governor shall appoint one member to the board who is a resident and a qualified elector in the area served by the authority.

(3) The terms of the county commissioners on the governing board of the authority shall be 2 years. All other members on the governing board of the authority shall serve staggered 4-year terms. Each member shall hold office until his or her successor has been appointed.

(4) A vacancy during a term shall be filled by the respective appointing authority within 90 days in the same manner as the original appointment and only for the balance of the unexpired term.

(5) The members of the authority shall not be entitled to compensation, but shall be reimbursed for travel expenses actually incurred in their duties as provided by law.

(6) Members of the authority shall be required to comply with the applicable financial disclosure requirements of ss. 112.3145, 112.3148, and 112.3149.

Section 19. Subsection (1) of section 343.74, Florida Statutes, is amended to read:

343.74 Powers and duties.—

(1)(a) The authority created by s. 343.73 has the right to own, operate, maintain, and manage a commuter rail system and commuter ferry system in Hernando, Hillsborough, Pasco, Pinellas, Manatee, Sarasota, and Polk Counties.

(b) It is the express intention of this part that the authority be authorized to plan, develop, own, purchase, lease, or otherwise acquire, demolish, construct, improve, relocate, equip, repair, maintain, operate, and manage a commuter rail system, commuter rail facilities, or commuter ferry system; to establish and determine such policies as may be necessary for the best interest of the operation and promotion of a commuter rail system and commuter ferry system; and to adopt such rules as may be necessary to govern the operation of a commuter rail system, commuter rail facilities, and commuter ferry system.

Section 20. Subsection (1) of section 3 of chapter 57-1658, Laws of Florida, as created by chapter 88-474, Laws of Florida, is amended to read:

Section 3. Greater Orlando Aviation Authority.

(1) There is hereby created a board or commission to be known as the “Greater Orlando Aviation Authority,” and by that name the authority may sue and be sued, plead and be impleaded, contract and be contracted with, and have an official seal. The authority is hereby constituted an agency of the city, and exercise by the authority of the powers conferred by this act shall be deemed and held to be an essential municipal function of the city. The authority shall consist of seven members who shall be elected or appointed as follows: one member shall be ~~the mayor of the City of an incumbent member of the Orlando City Council, who may be the mayor commissioner or any other commissioner elected by a majority vote of such council;~~ one member shall be ~~the chair an incumbent member of the Board of County Commissioners of Orange County, Florida, who may be the chairman or any other commissioner elected by a majority vote of such commission;~~ and five members shall be appointed by the Governor, subject to confirmation by the Senate. Three members appointed by the Governor shall be residents and electors of Orange County, Florida; one member appointed by the Governor shall be a resident and elector of Osceola County, Florida, effective April 1992; and, one member appointed by the Governor shall be a resident and elector of Orange County, Florida, or Seminole County, Florida. All seven members shall be entitled to an equal voice and vote on all matters relating to the authority and its business. Two of the five appointed members initially appointed by the Governor shall be appointed for a term of 2 years and three members shall be appointed for a term of four years, the term of each member so appointed to be designated by the Governor at the time of the appointment. All subsequent appointments shall be for a term of 4 years. The member of the city council and the member of the county commission shall be elected for a term of two years each; provided, however, that any such commissioner's term shall end at such time as he may cease to be a city or county commissioner, at which time a successor or successors shall be elected for any unexpired term. The terms of all members shall end at the expiration of their terms or as otherwise herein specified.

Section 21. Section 337.408, Florida Statutes, is amended to read:

337.408 Regulation of benches, transit shelters, street light poles, ~~and~~ waste disposal receptacles, *and modular news racks* within rights-of-way.—

(1) Benches or transit shelters, including advertising displayed on benches or transit shelters, may be installed within the right-of-way limits of any municipal, county, or state road, except a limited access highway; provided that such benches or transit shelters are for the comfort or convenience of the general public; ~~or are~~ at designated stops on official bus routes; and, provided ~~further~~, that written authorization has been given to a qualified private supplier of such service by the municipal government within whose incorporated limits such benches or transit shelters are installed, or by the county government within whose unincorporated limits such benches or transit shelters are installed. A municipality or county may authorize the installation, without public bid, of benches and transit shelters together with advertising displayed thereon; within the right-of-way limits of such roads. Any contract for the installation of benches or transit shelters or advertising on benches or transit shelters which was entered into before April 8, 1992, without public bidding; is ratified and affirmed. Such benches or transit shelters may not interfere with right-of-way preservation and maintenance. Any bench or transit shelter located on a sidewalk within the right-of-way limits of any road on the State Highway System or the county road system shall be located so as to leave at least 36 inches of clearance for pedestrians and persons in wheelchairs. Such clearance shall be measured in a direction perpendicular to the centerline of the road.

(2) Waste disposal receptacles of less than 110 gallons in capacity, including advertising displayed on such waste disposal receptacles, may be installed within the right-of-way limits of any municipal, county, or state road, except a limited access highway; provided that written authorization has been given to a qualified private supplier of such service by the appropriate municipal or county government. A municipality or county may authorize the installation, without public bid, of waste disposal receptacles together with advertising displayed thereon within the right-of-way limits of such roads. Such waste disposal receptacles may not interfere with right-of-way preservation and maintenance.

(3) *Modular news racks, including advertising thereon, may be located within the right-of-way limits of any municipal, county, or state road, except a limited access highway, provided the municipal government within whose incorporated limits such racks are installed or the county government within whose unincorporated limits such racks are installed has passed an ordinance regulating the placement of modular news racks within the right-of-way and has authorized a qualified private supplier of modular news racks to provide such service. The modular news rack or advertising thereon shall not exceed a height of 56 inches or a total advertising space of 56 square feet. No later than 45 days prior to installation of modular news racks, the private supplier shall provide a map of proposed locations and typical installation plans to the department for approval. If the department does not respond within 45 days after receipt of the submitted plans, installation may proceed.*

(4)(3) The department has the authority to direct the immediate relocation or removal of any bench, transit shelter, ~~or~~ waste disposal receptacle, *or modular news rack* which endangers life or property, except that transit bus benches which have been placed in service prior to April 1, 1992, ~~are not required to~~ ~~do not have~~ to comply with bench size and advertising display size requirements which have been established by the department prior to March 1, 1992. Any transit bus bench that was in service prior to April 1, 1992, may be replaced with a bus bench of the same size or smaller, if the bench is damaged or destroyed or otherwise becomes unusable. The department is authorized to *adopt promulgate* rules relating to the regulation of bench size and advertising display size requirements. ~~However,~~ If a municipality or county within which a bench is to be located has adopted an ordinance or other applicable regulation that establishes bench size or advertising display sign requirements different from requirements specified in department rule, ~~then~~ the local government requirement shall be applicable within the respective municipality or county. Placement of any bench or advertising display on the National Highway System under a local ordinance or regulation adopted pursuant to this subsection shall be subject to approval of the Federal Highway Administration.

(5)(4) No bench, transit shelter, ~~or~~ waste disposal receptacle, *or modular news rack*, or advertising thereon, shall be erected or so placed on

the right-of-way of any road which conflicts with the requirements of federal law, regulations, or safety standards, thereby causing the state or any political subdivision the loss of federal funds. Competition among persons seeking to provide bench, transit shelter, ~~or~~ waste disposal receptacle, *or modular news rack* services or advertising on such benches, shelters, ~~or~~ receptacles, *or news racks* may be regulated, restricted, or denied by the appropriate local government entity consistent with the provisions of this section.

(6)(5) Street light poles, including attached public service messages and advertisements, may be located within the right-of-way limits of municipal and county roads in the same manner as benches, transit shelters, ~~and~~ waste disposal receptacles, *and modular news racks* as provided in this section and in accordance with municipal and county ordinances. Public service messages and advertisements may be installed on street light poles on roads on the State Highway System in accordance with height, size, setback, spacing distance, duration of display, safety, traffic control, and permitting requirements established by administrative rule of the Department of Transportation. Public service messages and advertisements shall be subject to bilateral agreements, where applicable, to be negotiated with the owner of the street light poles, which shall consider, among other things, power source rates, design, safety, operational and maintenance concerns, and other matters of public importance. For the purposes of this section, the term “street light poles” does not include electric transmission or distribution poles. The department shall have authority to ~~adopt establish administrative rules pursuant to ss. 120.536(1) and 120.54~~ to implement the *provisions of this section subsection*. No advertising on light poles shall be permitted on the Interstate Highway System. No permanent structures carrying advertisements attached to light poles shall be permitted on the National Highway System.

(7)(6) Wherever the provisions of this section are inconsistent with other provisions of this chapter or with the provisions of chapter 125, chapter 335, chapter 336, or chapter 479, the provisions of this section shall prevail.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, lines 16-23, delete those lines and insert: minimum annual allocation; amending s. 337.401, F.S.; providing that a permit-delegation agreement between the Department of Transportation and a governmental entity does not apply to facilities of electric utilities; amending s. 95.361, F.S.; providing that provisions governing the circumstances under which a road is deemed to be dedicated to the public do not apply to a electric utility facility located on property otherwise subject to those provisions; amending s. 341.8203, F.S.; redefining the terms “authority” and “high-speed rail system”; amending s. 341.840, F.S.; revising the tax exemption of the authority and its agents and contractors; providing for annual redetermination of eligibility for exemption; providing for recapture of taxes when an exemption is used inappropriately; providing for rules; amending ss. 343.71, 343.72, 343.73, and 343.74, F.S., relating to the Tampa Bay Commuter Rail Authority Act; redesignating the authority as the “Tampa Bay Commuter Transit Authority”; adding representatives of Manatee and Sarasota Counties to the board of authority; including Manatee and Sarasota Counties within the jurisdiction of the authority; amending s. 3 of chapter 88-474, Laws of Florida, as amended, relating to the Greater Orlando Aviation Authority; providing the mayor of Orlando, and chair of the Orange County Commission shall be members of the authority; amount of the loan from the bank; amending s. 337.408, F.S.; providing for placement of certain modular news racks, including advertising thereon, within the right-of-way limits of any municipal, county, or state road; providing requirements, restrictions, and limitations; authorizing removal under certain circumstances; authorizing the department to adopt rules;

Senator Webster moved the following amendment to **Amendment 3** which was adopted:

Amendment 3A (021030)—On page 13, line 17, delete “chair” and insert: *chairman*

Senator Sebesta moved the following amendment to **Amendment 3** which was adopted:

Amendment 3B (375046)—In title, on page 19, lines 26 and 27, delete those lines and insert: members of the authority; amending s. 337.408, F.S.;

Amendment 3 as amended was adopted.

Senator Sebesta moved the following amendment which was adopted:

Amendment 4 (713456)—On page 24, line 1, delete “*may*” and insert: *shall*

Pursuant to Rule 4.19, **CS for CS for SB 1456** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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

CS for SB 2448—A bill to be entitled An act relating to public health; amending s. 17.41, F.S.; authorizing funds from the Tobacco Settlement Clearing Trust Fund to be disbursed to the Biomedical Research Trust Fund in the Department of Health; amending s. 20.43, F.S.; designating the Division of Emergency Medical Services and Community Health Resources as the “Division of Emergency Medical Operations”; designating the Division of Information Resource Management as the “Division of Information Technology”; designating the Division of Health Awareness and Tobacco as the “Division of Health Access and Tobacco”; creating the Division of Disability Determinations; amending s. 216.2625, F.S.; providing that certain positions within the Department of Health are exempt from a limitation on the number of authorized positions; amending s. 381.0011, F.S.; revising duties of the Department of Health; providing for a statewide injury prevention program; amending s. 381.006, F.S.; including within the department’s environmental health program the function of investigating elevated levels of lead in blood; amending s. 381.0065, F.S., relating to onsite sewage treatment and disposal systems; revising a definition; deleting a requirement that the department make certain biennial reports to the Legislature; authorizing the department to require the submission of certain construction plans pursuant to adopted rule; amending s. 381.0066, F.S.; continuing a requirement imposing a permit fee on new construction; amending s. 381.0072, F.S.; exempting certain schools, bars, and lounges from certification requirements for food service managers; removing a licensure exemption for certain food service establishments licensed by the Office of Licensure and Certification, the Child Care Services Program Office, or the Developmental Disabilities Program Office; creating s. 381.0409, F.S.; requiring the department to establish a tobacco prevention program, contingent upon a specific appropriation; specifying components of the program; providing for the department to provide technical assistance and training to state and local entities; authorizing the department to contract for program activities; creating s. 381.86, F.S.; establishing the Institutional Review Board within the Department of Health to review certain biomedical and behavioral research; providing for the membership of the board; authorizing board members to be reimbursed for per diem and travel expenses; authorizing the department to charge fees for the research oversight performed by the board; authorizing the department to adopt rules; amending s. 381.89, F.S.; authorizing the Department of Health to impose certain licensure fees on tanning facilities; amending s. 381.90, F.S.; revising the membership and reporting requirements of the Health Information Systems Council; amending s. 383.14, F.S.; authorizing the State Public Health Laboratory to release certain test results to a newborn’s primary care physician; revising certain testing requirements for newborns; increasing the membership of the Genetics and Newborn Screening Advisory Council; amending s. 383.402, F.S.; revising the criteria under which the state and local child abuse death review committees are required to review the death of a child; amending s. 391.021, F.S.; redefining the term “children with special health care needs” for purposes of the Children’s Medical Services Act; amending ss. 391.025, 391.029, 391.035, and 391.055, F.S., relating to the Children’s Medical Services program; revising the application requirements for the program; revising requirements for eligibility for services under the program; authorizing the department to contract with out-of-state health care providers to provide services to program participants; authorizing the department to adopt rules; requiring that certain newborns with abnormal screening results be referred to the program; amending s. 391.302, F.S.; revising certain definitions relating to developmental evaluation and intervention services; amending s. 391.303, F.S.; revising certain requirements for providing those services; amending s. 391.308, F.S.; creating the Infants and Toddlers Early Intervention Program within the Department of Health; requiring the department, jointly with the Department of Education, to prepare grant applications and to include certain services under the program;

amending s. 395.1027, F.S.; authorizing certain licensed facilities to release patient information to regional poison control centers; amending s. 395.404, F.S.; revising reporting requirements to the trauma registry data system maintained by the Department of Health; providing that hospitals, pediatric trauma referral centers, and trauma centers subject to reporting trauma registry data to the department are required to comply with other duties concerning the moderate-to-severe brain or spinal cord injury registry maintained by the department; correcting references to the term “trauma center”; amending s. 401.211, F.S.; providing legislative intent with respect to a statewide injury-prevention program; creating s. 401.243, F.S.; providing duties of the department for establishing such a program; authorizing the department to adopt rules; creating s. 401.27001, F.S.; providing requirements for background screening for applicants for initial certification as an emergency medical technician or paramedic and for renewal of certification; requiring an applicant to pay the costs of screening; requiring that fingerprints be submitted to the Department of Law Enforcement and forwarded to the Federal Bureau of Investigation; specifying the offenses that are grounds for denial of certification; authorizing the department to grant an exemption to an applicant, notwithstanding certain convictions; requiring the department to adopt rules; amending s. 404.056, F.S.; revising the radon testing requirements for schools and certain state-operated or state-licensed facilities; amending s. 409.814, F.S.; providing certain eligibility requirements for the Florida Healthy Kids and Medikids programs; amending s. 468.302, F.S.; revising certain requirements for administering radiation and performing certain other procedures; amending s. 468.304, F.S.; revising requirements for obtaining certification from the department as an X-ray machine operator, a radiographer, or a nuclear medicine technologist; amending s. 468.306, F.S.; requiring remedial education for certain applicants for certification; amending s. 468.3065, F.S.; providing that the application fee is nonrefundable; amending s. 468.307, F.S.; revising the expiration date of a certificate; amending s. 468.309, F.S.; revising requirements for certification as a radiologic technologist; providing for a certificateholder to resign a certification; amending s. 468.3095, F.S.; revising requirements for reactivating an expired certificate; amending s. 468.3101, F.S.; authorizing the department to conduct investigations and inspections; clarifying certain grounds for disciplinary actions; amending s. 489.553, F.S.; providing requirements for registration as a master septic tank contractor; amending s. 489.554, F.S.; authorizing inactive registration as a septic tank contractor; providing for renewing a certification of registration following a period of inactive status; amending s. 784.081, F.S.; increasing certain penalties for an assault or battery that is committed against an employee of the Department of Health or against a direct service provider of the department; repealing ss. 381.0098(9), 385.103(2)(f), 385.205, 385.209, 391.301(3), 391.305(2), 393.064(5), and 445.033(7), F.S., relating to obsolete provisions governing the handling of biomedical waste, rulemaking authority with respect to community intervention programs, programs covering chronic renal disease, information on cholesterol, intervention programs for certain hearing-impaired infants, contract authority over the Raymond C. Philips Research and Education Unit, and an exemption from the Florida Biomedical and Social Research Act for certain evaluations; providing an effective date.

—which was previously considered and amended this day. Pending **Amendment 16 (303380)** by Senators Garcia and Diaz de la Portilla was adopted.

RECONSIDERATION OF AMENDMENT

On motion by Senator Saunders, the Senate reconsidered the vote by which **Amendment 7 (841188)** was adopted. **Amendment 7** was withdrawn.

Pursuant to Rule 4.19, **CS for SB 2448** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Bennett—

CS for CS for SB 162—A bill to be entitled An act relating to local government; amending s. 163.3167, F.S.; limiting the effect of judicial determinations concerning certain development orders pursuant to adopted land development regulations under the Local Government Comprehensive Planning and Land Development Regulation Act; providing an exception; providing for retroactive application; providing an effective date.

—was read the second time by title.

THE PRESIDENT PRESIDING

Senator Geller moved the following amendment which failed:

Amendment 1 (315616)(with title amendment)—On page 2, between lines 2 and 3, insert:

Section 2. Paragraphs (c) and (d) are added to subsection (1) of section 163.3174, Florida Statutes, to read:

163.3174 Local planning agency.—

(1) The governing body of each local government, individually or in combination as provided in s. 163.3171, shall designate and by ordinance establish a "local planning agency," unless the agency is otherwise established by law. Notwithstanding any special act to the contrary, all local planning agencies or equivalent agencies that first review rezoning and comprehensive plan amendments in each municipality and county shall include a representative of the school district appointed by the school board as a nonvoting member of the local planning agency or equivalent agency to attend those meetings at which the agency considers comprehensive plan amendments and rezonings that would, if approved, increase residential density on the property that is the subject of the application. However, this subsection does not prevent the governing body of the local government from granting voting status to the school board member. The governing body may designate itself as the local planning agency pursuant to this subsection with the addition of a nonvoting school board representative. The governing body shall notify the state land planning agency of the establishment of its local planning agency. All local planning agencies shall provide opportunities for involvement by applicable community college boards, which may be accomplished by formal representation, membership on technical advisory committees, or other appropriate means. The local planning agency shall prepare the comprehensive plan or plan amendment after hearings to be held after public notice and shall make recommendations to the governing body regarding the adoption or amendment of the plan. The agency may be a local planning commission, the planning department of the local government, or other instrumentality, including a countywide planning entity established by special act or a council of local government officials created pursuant to s. 163.02, provided the composition of the council is fairly representative of all the governing bodies in the county or planning area; however:

(a) If a joint planning entity is in existence on the effective date of this act which authorizes the governing bodies to adopt and enforce a land use plan effective throughout the joint planning area, that entity shall be the agency for those local governments until such time as the authority of the joint planning entity is modified by law.

(b) In the case of chartered counties, the planning responsibility between the county and the several municipalities therein shall be as stipulated in the charter.

(c) In recognition of the need to allow municipalities in highly populated urban counties in which most of the population of the county is located within municipalities to address land use planning issues on a municipal basis, in charter counties that have populations greater than 1.5 million people and have less than 10 percent of the countywide population within the unincorporated area of the county, the municipalities within such counties shall, except as otherwise expressly provided in this paragraph, have the option to exercise exclusive land use planning authority. This exclusive land use planning authority includes, platting, zoning, the adoption and amendment of comprehensive plans in accordance with this act and the issuance of development orders for the area under municipal jurisdiction. the exercise of this option shall require the municipality to adopt a resolution approving the exercise of exclusive land use planning authority and submit to the electorate of the municipality a ballot question which states, "Shall the (Name of Municipality) exercise exclusive land use planning authority within (Name of Municipality) for platting, zoning, the adoption and amendment of comprehensive plans and the issuance of development order". If the ballot question is approved by a majority of those casting a vote on the question, the municipality shall have exclusive land use planning authority effective ninety (90) days following voter approval. Municipalities whose land use planning authority becomes exclusive pursuant to this paragraph may amend their comprehensive plans one additional time in the year in

which its land use planning authority becomes exclusive or in the following year, without regard to the twice-a-year restriction in s. 163.3187(1), to provide for amendments the municipality determines to be necessary or appropriate for the transition. Development orders issued by a charter county within a municipality prior to the municipality assuming exclusive land use planning authority shall remain valid for the effective period of the development order unless an application for an amendment to the development order is approved by the municipality in accordance with the procedures of the municipality for amending development orders. This paragraph does not affect the authority of a charter county subject to this paragraph to adopt and enforce countywide impact fees. Effective upon a municipality obtaining exclusive land use planning authority pursuant to this provision, the level of service for county facilities in the municipalities shall be the level of service that was applied by the county on the date that the municipality adopted the resolution approving the exercise of exclusive land use planning authority and submitting the ballot question to the electorate of the municipality. In order for any future change in level of service for county facilities to become effective within a municipality that obtains exclusive land use planning authority pursuant to this provision, the change in the level of service shall require the approval of both the affected municipality and the county, as evidenced by both the municipality and county adopting the amended level of service for the county facilities into their respective comprehensive plans. In municipalities that obtain exclusive land use planning authority, the county shall, if requested by the municipality, and upon the payment of a reasonable fee, review and advise the municipality as to whether proposed mitigation of traffic impacts that are to be provided by improvements to county roadways meet the county's permit criteria for improvements to county roadways. Nothing in this paragraph shall be interpreted to affect a county's permit authority with respect to county roadways. This paragraph applies notwithstanding any other law.

(d) A charter county that is not subject to paragraph (c) may exercise such authority over municipalities and districts within its boundaries as is provided for in its charter.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 10, after the semicolon (;) insert: amending s. 163.3174, F.S.; allowing municipalities in highly populated urban charter counties with a population greater than a specified number to have the option to exercise exclusive land use planning authority, including over the unincorporated area of the county; providing that the land use authority includes platting, zoning, and the adoption and amendment of comprehensive plan; requiring the municipality to adopt a resolution approving the exercise of exclusive land use planning authority and to submit to a ballot question to the electorate;

RECONSIDERATION OF AMENDMENT

On motion by Senator Jones, the Senate reconsidered the vote by which Amendment 1 (315616) failed. Amendment 1 was adopted. The vote was:

Yeas—24

Table with 3 columns: Name, Name, Name. Includes Argenziano, Hill, Posey; Aronberg, Jones, Pruitt; Bennett, Klein, Saunders; Bullard, Lawson, Sebesta; Dawson, Lee, Siplin; Diaz de la Portilla, Lynn, Wasserman Schultz; Garcia, Margolis, Webster; Geller, Miller, Wilson.

Nays—13

Table with 3 columns: Name, Name, Name. Includes Mr. President, Constantine, Haridopolos; Alexander, Cowin, Peaden; Atwater, Dockery, Villalobos; Carlton, Fasano, Wise; Clary.

Pursuant to Rule 4.19, CS for CS for SB 162 as amended was ordered engrossed and placed on the calendar of Bills on Third Reading.

RECESS

The President declared the Senate in recess at 12:49 p.m. to reconvene at 2:15 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 2:37 p.m. A quorum present—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	

SENATOR CARLTON PRESIDING

SPECIAL ORDER CALENDAR, continued

Consideration of **CS for SB 2664** was deferred.

On motion by Senator Fasano—

CS for SB 612—A bill to be entitled An act relating to display of flags in the public school system; amending s. 1000.06, F.S.; requiring that the flag of the United States be displayed in each classroom; providing for the purchase or donation of such flags; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 612** to **HB 1757**.

Pending further consideration of **CS for SB 612** as amended, on motion by Senator Fasano, by two-thirds vote **HB 1757** was withdrawn from the Committees on Education; and Military and Veterans' Affairs, Base Protection, and Spaceports.

On motion by Senator Fasano—

HB 1757—A bill to be entitled An act relating to display of flags in educational institutions; providing a popular name; amending s. 1000.06, F.S.; requiring the flag of the United States to be displayed in each classroom in public K-20 educational institutions; providing for procurement of flags; providing an effective date.

—a companion measure, was substituted for **CS for SB 612** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 1757** was placed on the calendar of Bills on Third Reading.

On motion by Senator Miller—

CS for SB 1842—A bill to be entitled An act relating to sales representative contracts involving commissions; amending s. 686.201, F.S.; revising definitions; providing for application to certain persons as well as businesses; including services as well as products; providing for application to retail as well as wholesale transactions; increasing damages under certain actions for compliance; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 1842** to **HB 679**.

Pending further consideration of **CS for SB 1842** as amended, on motion by Senator Miller, by two-thirds vote **HB 679** was withdrawn from the Committees on Commerce, Economic Opportunities, and Consumer Services; and Judiciary.

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

HB 679—A bill to be entitled An act relating to sales representative contracts involving commissions; amending s. 686.201, F.S.; revising definitions; providing for application to certain persons as well as businesses; including services as well as products; providing for application to retail as well as wholesale transactions; increasing damages under certain actions for compliance; specifying nonapplication to certain licensed persons performing services within the scope of their license; providing an effective date.

—a companion measure, was substituted for **CS for SB 1842** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 679** was placed on the calendar of Bills on Third Reading.

On motion by Senator Peaden—

CS for CS for CS for CS for SB 700—A bill to be entitled An act relating to mental health; amending s. 394.455, F.S.; defining and redefining terms used in part I of ch. 394, F.S., "the Baker Act"; amending s. 394.4598, F.S., relating to guardian advocates; amending provisions to conform to changes made by the act; amending s. 394.4615, F.S., relating to confidentiality of clinical records; providing additional circumstances in which information from a clinical record may be released; amending s. 394.463, F.S.; revising criteria for an involuntary examination; revising requirements for filing a petition for involuntary placement; creating s. 394.4655, F.S.; providing for involuntary outpatient placement; providing criteria; providing procedures; providing for a voluntary examination for outpatient placement; providing for a petition for involuntary outpatient placement; requiring the appointment of counsel; providing for a continuance of hearing; providing procedures for the hearing on involuntary outpatient placement; providing a procedure for continued involuntary outpatient placement; amending s. 394.467, F.S., relating to involuntary placement; conforming terminology to changes made by the act; providing for rulemaking authority; providing for severability; providing an effective date.

—was read the second time by title.

Senators Smith and Peaden offered the following amendment which was moved by Senator Peaden and adopted:

Amendment 1 (381714)(with title amendment)—On page 2, between lines 27 and 28, insert:

Section 2. Section 394.459, Florida Statutes, is amended to read:

394.459 Rights of patients.—

(1) **RIGHT TO INDIVIDUAL DIGNITY.**—It is the policy of this state that the individual dignity of the patient shall be respected at all times and upon all occasions, including any occasion when the patient is taken into custody, held, or transported. Procedures, facilities, vehicles, and restraining devices utilized for criminals or those accused of crime shall not be used in connection with persons who have a mental illness, except for the protection of the patient or others. Persons who have a mental illness but who are not charged with a criminal offense shall not be detained or incarcerated in the jails of this state. A person who is receiving treatment for mental illness in a facility shall not be deprived of any constitutional rights. However, if such a person is adjudicated incapacitated, his or her rights may be limited to the same extent the rights of any incapacitated person are limited by law.

(2) **RIGHT TO TREATMENT.**—

(a) A person shall not be denied treatment for mental illness and services shall not be delayed at a receiving or treatment facility because of inability to pay. However, every reasonable effort to collect appropriate reimbursement for the cost of providing mental health services to persons able to pay for services, including insurance or third-party pay-

ments, shall be made by facilities providing services pursuant to this part.

(b) It is further the policy of the state that the least restrictive appropriate available treatment be utilized based on the individual needs and best interests of the patient and consistent with optimum improvement of the patient's condition.

(c) Each person who remains at a receiving or treatment facility for more than 12 hours shall be given a physical examination by a health practitioner authorized by law to give such examinations, within 24 hours after arrival at such facility.

(d) Every patient in a facility shall be afforded the opportunity to participate in activities designed to enhance self-image and the beneficial effects of other treatments, as determined by the facility.

(e) Not more than 5 days after admission to a facility, each patient shall have and receive an individualized treatment plan in writing which the patient has had an opportunity to assist in preparing and to review prior to its implementation. The plan shall include a space for the patient's comments.

(3) RIGHT TO EXPRESS AND INFORMED PATIENT CONSENT.—

(a) Each patient entering *treatment* ~~a facility~~ shall be asked to give express and informed consent for admission and treatment. If the patient has been adjudicated incapacitated or found to be incompetent to consent to treatment, express and informed consent to treatment shall be sought instead from the patient's guardian or guardian advocate. If the patient is a minor, express and informed consent for admission and treatment shall also be requested from the patient's guardian. Express and informed consent for admission and treatment of a patient under 18 years of age shall be required from the patient's guardian, unless the minor is seeking outpatient crisis intervention services under s. 394.4784. Express and informed consent for admission and treatment given by a patient who is under 18 years of age shall not be a condition of admission when the patient's guardian gives express and informed consent for the patient's admission pursuant to s. 394.463 or s. 394.467. Prior to giving consent, the following information shall be disclosed to the patient, or to the patient's guardian if the patient is 18 years of age or older and has been adjudicated incapacitated, or to the patient's guardian advocate if the patient has been found to be incompetent to consent to treatment, or to both the patient and the guardian if the patient is a minor: the reason for admission, the proposed treatment, the purpose of the treatment to be provided, the common side effects thereof, alternative treatment modalities, the approximate length of care, and that any consent given by a patient may be revoked orally or in writing prior to or during the treatment period by the patient, the guardian advocate, or the guardian.

(b) In the case of medical procedures requiring the use of a general anesthetic or electroconvulsive treatment, and prior to performing the procedure, express and informed consent shall be obtained from the patient if the patient is legally competent, from the guardian of a minor patient, from the guardian of a patient who has been adjudicated incapacitated, or from the guardian advocate of the patient if the guardian advocate has been given express court authority to consent to medical procedures or electroconvulsive treatment as provided under s. 394.4598.

(c) When the department is the legal guardian of a patient, or is the custodian of a patient whose physician is unwilling to perform a medical procedure, including an electroconvulsive treatment, based solely on the patient's consent and whose guardian or guardian advocate is unknown or unlocatable, the court shall hold a hearing to determine the medical necessity of the medical procedure. The patient shall be physically present, unless the patient's medical condition precludes such presence, represented by counsel, and provided the right and opportunity to be confronted with, and to cross-examine, all witnesses alleging the medical necessity of such procedure. In such proceedings, the burden of proof by clear and convincing evidence shall be on the party alleging the medical necessity of the procedure.

(d) The administrator of a receiving or treatment facility may, upon the recommendation of the patient's attending physician, authorize emergency medical treatment, including a surgical procedure, if such treatment is deemed lifesaving, or if the situation threatens serious

bodily harm to the patient, and permission of the patient or the patient's guardian or guardian advocate cannot be obtained.

(4) QUALITY OF TREATMENT.—

(a) Each patient ~~in a facility~~ shall receive services, *including, for a patient placed under s. 394.4655, those services included in the court order which are suited to his or her needs, and which shall be administered skillfully, safely, and humanely with full respect for the patient's dignity and personal integrity.* Each patient shall receive such medical, vocational, social, educational, and rehabilitative services as his or her condition requires *in order to live successfully in to bring about an early return to the community.* In order to achieve this goal, the department is directed to coordinate its mental health programs with all other programs of the department and other state agencies.

(b) Receiving and treatment facilities shall develop and maintain, in a form accessible to and readily understandable by patients, the following:

1. Criteria, procedures, and required staff training for any use of close or elevated levels of supervision, of restraint, seclusion, or isolation, or of emergency treatment orders, and for the use of bodily control and physical management techniques.

2. Procedures for documenting, monitoring, and requiring clinical review of all uses of the procedures described in subparagraph 1. and for documenting and requiring review of any incidents resulting in injury to patients.

3. A system for the review of complaints by patients or their families or guardians.

(c) A facility may not use seclusion or restraint for punishment, to compensate for inadequate staffing, or for the convenience of staff. Facilities shall ensure that all staff are made aware of these restrictions on the use of seclusion and restraint and shall make and maintain records which demonstrate that this information has been conveyed to individual staff members.

(5) COMMUNICATION, ABUSE REPORTING, AND VISITS.—

(a) Each person receiving services in a facility providing mental health services under this part has the right to communicate freely and privately with persons outside the facility unless it is determined that such communication is likely to be harmful to the person or others. Each facility shall make available as soon as reasonably possible to persons receiving services a telephone that allows for free local calls and access to a long-distance service. A facility is not required to pay the costs of a patient's long-distance calls. The telephone shall be readily accessible to the patient and shall be placed so that the patient may use it to communicate privately and confidentially. The facility may establish reasonable rules for the use of this telephone, provided that the rules do not interfere with a patient's access to a telephone to report abuse pursuant to paragraph (e).

(b) Each patient admitted to a facility under the provisions of this part shall be allowed to receive, send, and mail sealed, unopened correspondence; and no patient's incoming or outgoing correspondence shall be opened, delayed, held, or censored by the facility unless there is reason to believe that it contains items or substances which may be harmful to the patient or others, in which case the administrator may direct reasonable examination of such mail and may regulate the disposition of such items or substances.

(c) Each facility must permit immediate access to any patient, subject to the patient's right to deny or withdraw consent at any time, by the patient's family members, guardian, guardian advocate, representative, Florida statewide or local advocacy council, or attorney, unless such access would be detrimental to the patient. If a patient's right to communicate or to receive visitors is restricted by the facility, written notice of such restriction and the reasons for the restriction shall be served on the patient, the patient's attorney, and the patient's guardian, guardian advocate, or representative; and such restriction shall be recorded on the patient's clinical record with the reasons therefor. The restriction of a patient's right to communicate or to receive visitors shall be reviewed at least every 7 days. The right to communicate or receive visitors shall not be restricted as a means of punishment. Nothing in this paragraph shall be construed to limit the provisions of paragraph (d).

(d) Each facility shall establish reasonable rules governing visitors, visiting hours, and the use of telephones by patients in the least restrictive possible manner. Patients shall have the right to contact and to receive communication from their attorneys at any reasonable time.

(e) Each patient receiving mental health treatment in any facility shall have ready access to a telephone in order to report an alleged abuse. The facility staff shall orally and in writing inform each patient of the procedure for reporting abuse and shall make every reasonable effort to present the information in a language the patient understands. A written copy of that procedure, including the telephone number of the central abuse hotline and reporting forms, shall be posted in plain view.

(f) The department shall adopt rules providing a procedure for reporting abuse. Facility staff shall be required, as a condition of employment, to become familiar with the requirements and procedures for the reporting of abuse.

(6) CARE AND CUSTODY OF PERSONAL EFFECTS OF PATIENTS.—A patient's right to the possession of his or her clothing and personal effects shall be respected. The facility may take temporary custody of such effects when required for medical and safety reasons. A patient's clothing and personal effects shall be inventoried upon their removal into temporary custody. Copies of this inventory shall be given to the patient and to the patient's guardian, guardian advocate, or representative and shall be recorded in the patient's clinical record. This inventory may be amended upon the request of the patient or the patient's guardian, guardian advocate, or representative. The inventory and any amendments to it must be witnessed by two members of the facility staff and by the patient, if able. All of a patient's clothing and personal effects held by the facility shall be returned to the patient immediately upon the discharge or transfer of the patient from the facility, unless such return would be detrimental to the patient. If personal effects are not returned to the patient, the reason must be documented in the clinical record along with the disposition of the clothing and personal effects, which may be given instead to the patient's guardian, guardian advocate, or representative. As soon as practicable after an emergency transfer of a patient, the patient's clothing and personal effects shall be transferred to the patient's new location, together with a copy of the inventory and any amendments, unless an alternate plan is approved by the patient, if able, and by the patient's guardian, guardian advocate, or representative.

(7) VOTING IN PUBLIC ELECTIONS.—A patient in a facility who is eligible to vote according to the laws of the state has the right to vote in the primary and general elections. The department shall establish rules to enable patients to obtain voter registration forms, applications for absentee ballots, and absentee ballots.

(8) HABEAS CORPUS.—

(a) At any time, and without notice, a person held in a receiving or treatment facility, or a relative, friend, guardian, guardian advocate, representative, or attorney, or the department, on behalf of such person, may petition for a writ of habeas corpus to question the cause and legality of such detention and request that the court order a return to the writ in accordance with chapter 79. Each patient held in a facility shall receive a written notice of the right to petition for a writ of habeas corpus.

(b) At any time, and without notice, a person who is a patient in a receiving or treatment facility, or a relative, friend, guardian, guardian advocate, representative, or attorney, or the department, on behalf of such person, may file a petition in the circuit court in the county where the patient is being held alleging that the patient is being unjustly denied a right or privilege granted herein or that a procedure authorized herein is being abused. Upon the filing of such a petition, the court shall have the authority to conduct a judicial inquiry and to issue any order needed to correct an abuse of the provisions of this part.

(c) The administrator of any receiving or treatment facility receiving a petition under this subsection shall file the petition with the clerk of the court on the next court working day.

(d) No fee shall be charged for the filing of a petition under this subsection.

(9) VIOLATIONS.—The department shall report to the Agency for Health Care Administration any violation of the rights or privileges of

patients, or of any procedures provided under this part, by any facility or professional licensed or regulated by the agency. The agency is authorized to impose any sanction authorized for violation of this part, based solely on the investigation and findings of the department.

(10) LIABILITY FOR VIOLATIONS.—Any person who violates or abuses any rights or privileges of patients provided by this part is liable for damages as determined by law. Any person who acts in good faith in compliance with the provisions of this part is immune from civil or criminal liability for his or her actions in connection with the admission, diagnosis, treatment, or discharge of a patient to or from a facility. However, this section does not relieve any person from liability if such person commits negligence.

(11) RIGHT TO PARTICIPATE IN TREATMENT AND DISCHARGE PLANNING.—The patient shall have the opportunity to participate in treatment and discharge planning and shall be notified in writing of his or her right, upon discharge from the facility, to seek treatment from the professional or agency of the patient's choice.

(12) POSTING OF NOTICE OF RIGHTS OF PATIENTS.—Each facility shall post a notice listing and describing, in the language and terminology that the persons to whom the notice is addressed can understand, the rights provided in this section. This notice shall include a statement that provisions of the federal Americans with Disabilities Act apply and the name and telephone number of a person to contact for further information. This notice shall be posted in a place readily accessible to patients and in a format easily seen by patients. This notice shall include the telephone numbers of the Florida local advocacy council and Advocacy Center for Persons with Disabilities, Inc.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 5, after the semicolon (;) insert: amending s. 394.459, F.S., relating to the rights of patients; clarifying those rights that are applicable to individuals receiving treatment for mental illness; requiring express and informed consent prior to treatment;

Senators Peaden and Smith offered the following amendment which was moved by Senator Peaden and adopted:

Amendment 2 (382396)—On page 5, line 4 through page 8, line 6, delete those lines and insert:

Section 4. Subsection (1) and paragraphs (e), (g), and (i) of subsection (2) of section 394.463, Florida Statutes, are amended to read:

394.463 Involuntary examination.—

(1) CRITERIA.—A person may be taken to a receiving facility for involuntary examination if there is reason to believe that *the person has a mental illness* ~~he or she is mentally ill~~ and because of his or her mental illness:

(a1). The person has refused voluntary examination after conscientious explanation and disclosure of the purpose of the examination; or

2. The person is unable to determine for himself or herself whether examination is necessary; and

(b)1. Without care or treatment, the person is likely to suffer from neglect or refuse to care for himself or herself; such neglect or refusal poses a real and present threat of substantial harm to his or her well-being; and it is not apparent that such harm may be avoided through the help of willing family members or friends or the provision of other services; or

2. There is a substantial likelihood that without care or treatment the person will cause serious bodily harm to himself or herself or others in the near future, as evidenced by recent behavior.

(2) INVOLUNTARY EXAMINATION.—

(e) The Agency for Health Care Administration shall receive and maintain the copies of ex parte orders, *involuntary outpatient placement orders issued pursuant to s. 394.4655, involuntary inpatient placement orders issued pursuant to s. 394.467*, professional certificates, and law enforcement officers' reports. These documents shall be considered part

of the clinical record, governed by the provisions of s. 394.4615. The agency shall prepare annual reports analyzing the data obtained from these documents, without information identifying patients, and shall provide copies of reports to the department, the President of the Senate, the Speaker of the House of Representatives, and the minority leaders of the Senate and the House of Representatives.

(g) A person for whom an involuntary examination has been initiated who is being evaluated or treated at a hospital for an emergency medical condition specified in s. 395.002 must be examined by a receiving facility within 72 hours. The 72-hour period begins when the patient arrives at the hospital and ceases when the attending physician documents that the patient has an emergency medical condition. If the patient is examined at a hospital providing emergency medical services by a professional qualified to perform an involuntary examination and is found as a result of that examination not to meet the criteria for involuntary *outpatient placement pursuant to s. 394.4655(1) or involuntary inpatient placement pursuant to s. 394.467(1)*, the patient may be offered voluntary placement, if appropriate, or released directly from the hospital providing emergency medical services. The finding by the professional that the patient has been examined and does not meet the criteria for involuntary *inpatient placement or involuntary outpatient placement* must be entered into the patient's clinical record. Nothing in this paragraph is intended to prevent a hospital providing emergency medical services from appropriately transferring a patient to another hospital prior to stabilization, provided the requirements of s. 395.1041(3)(c) have been met.

(i) Within the 72-hour examination period or, if the 72 hours ends on a weekend or holiday, no later than the next working day thereafter, one of the following actions must be taken, based on the individual needs of the patient:

1. The patient shall be released, unless he or she is charged with a crime, in which case the patient shall be returned to the custody of a law enforcement officer;

2. The patient shall be released, subject to the provisions of subparagraph 1., for *voluntary* outpatient treatment;

3. The patient, unless he or she is charged with a crime, shall be asked to give express and informed consent to placement as a voluntary patient, and, if such consent is given, the patient shall be admitted as a voluntary patient; or

4. A petition for involuntary placement shall be filed in the ~~appropriate court by the facility administrator~~ *when outpatient or inpatient treatment is deemed necessary. When inpatient treatment is deemed necessary; in which case, the least restrictive treatment consistent with the optimum improvement of the patient's condition shall be made available. When a petition is to be filed for involuntary outpatient placement, it shall be filed by one of the petitioners specified in s. 394.4655(3)(a). A petition for involuntary inpatient placement shall be filed by the facility administrator.*

Senator Smith moved the following amendment which was adopted:

Amendment 3 (503410)(with title amendment)—On page 5, line 4 through page 8, line 6, delete those lines and insert:

Section 4. Effective July 1, 2005, paragraph (a) of subsection (2) of section 394.463, Florida Statutes, is amended to read:

394.463 Involuntary examination.—

(2) INVOLUNTARY EXAMINATION.—

(a) An involuntary examination may be initiated by any one of the following means:

1. A court may enter an ex parte order stating that a person appears to meet the criteria for involuntary examination, giving the findings on which that conclusion is based. The ex parte order for involuntary examination must be based on sworn testimony, written or oral. If other less restrictive means are not available, such as voluntary appearance for outpatient evaluation, a law enforcement officer, or other designated agent of the court, shall take the person into custody and deliver him or her to the nearest receiving facility for involuntary examination. The order of the court shall be made a part of the patient's clinical record. No

fee shall be charged for the filing of an order under this subsection. Any receiving facility accepting the patient based on this order must send a copy of the order to the Agency for Health Care Administration on the next working day. The order shall be valid only until executed or, if not executed, for the period specified in the order itself. If no time limit is specified in the order, the order shall be valid for 7 days after the date that the order was signed.

2. A law enforcement officer shall take a person who appears to meet the criteria for involuntary examination into custody and deliver the person or have him or her delivered to the nearest receiving facility for examination. The officer shall execute a written report detailing the circumstances under which the person was taken into custody, and the report shall be made a part of the patient's clinical record. Any receiving facility accepting the patient based on this report must send a copy of the report to the Agency for Health Care Administration on the next working day.

3. A physician, clinical psychologist, psychiatric nurse, *mental health counselor*, or clinical social worker may execute a certificate stating that he or she has examined a person within the preceding 48 hours and finds that the person appears to meet the criteria for involuntary examination and stating the observations upon which that conclusion is based. If other less restrictive means are not available, such as voluntary appearance for outpatient evaluation, a law enforcement officer shall take the person named in the certificate into custody and deliver him or her to the nearest receiving facility for involuntary examination. The law enforcement officer shall execute a written report detailing the circumstances under which the person was taken into custody. The report and certificate shall be made a part of the patient's clinical record. Any receiving facility accepting the patient based on this certificate must send a copy of the certificate to the Agency for Health Care Administration on the next working day.

Section 5. Effective January 1, 2005, subsection (1) and paragraphs (e), (g), and (i) of subsection (2) of section 394.463, Florida Statutes, are amended to read:

394.463 Involuntary examination.—

(1) CRITERIA.—A person may be taken to a receiving facility for involuntary examination if there is reason to believe that *the person has a mental illness* ~~he or she is mentally ill~~ and because of his or her mental illness:

(a)1. The person has refused voluntary examination after conscientious explanation and disclosure of the purpose of the examination; or

2. The person is unable to determine for himself or herself whether examination is necessary; and

(b)1. Without care or treatment, the person is likely to suffer from neglect or refuse to care for himself or herself; such neglect or refusal poses a real and present threat of substantial harm to his or her well-being; and it is not apparent that such harm may be avoided through the help of willing family members or friends or the provision of other services; or

2. There is a substantial likelihood that without care or treatment the person will cause serious bodily harm to himself or herself or others in the near future, as evidenced by recent behavior.

(2) INVOLUNTARY EXAMINATION.—

(e) The Agency for Health Care Administration shall receive and maintain the copies of ex parte orders, *involuntary outpatient placement orders issued pursuant to s. 394.4655, involuntary inpatient placement orders issued pursuant to s. 394.467*, professional certificates, and law enforcement officers' reports. These documents shall be considered part of the clinical record, governed by the provisions of s. 394.4615. The agency shall prepare annual reports analyzing the data obtained from these documents, without information identifying patients, and shall provide copies of reports to the department, the President of the Senate, the Speaker of the House of Representatives, and the minority leaders of the Senate and the House of Representatives.

(g) A person for whom an involuntary examination has been initiated who is being evaluated or treated at a hospital for an emergency medical condition specified in s. 395.002 must be examined by a receiving facility within 72 hours. The 72-hour period begins when the patient

arrives at the hospital and ceases when the attending physician documents that the patient has an emergency medical condition. If the patient is examined at a hospital providing emergency medical services by a professional qualified to perform an involuntary examination and is found as a result of that examination not to meet the criteria for involuntary outpatient placement pursuant to s. 394.4655(1) or involuntary inpatient placement pursuant to s. 394.467(1), the patient may be offered voluntary placement, if appropriate, or released directly from the hospital providing emergency medical services. The finding by the professional that the patient has been examined and does not meet the criteria for involuntary inpatient placement or involuntary outpatient placement must be entered into the patient's clinical record. Nothing in this paragraph is intended to prevent a hospital providing emergency medical services from appropriately transferring a patient to another hospital prior to stabilization, provided the requirements of s. 395.1041(3)(c) have been met.

(i) Within the 72-hour examination period or, if the 72 hours ends on a weekend or holiday, no later than the next working day thereafter, one of the following actions must be taken, based on the individual needs of the patient:

1. The patient shall be released, unless he or she is charged with a crime, in which case the patient shall be returned to the custody of a law enforcement officer;

2. The patient shall be released, subject to the provisions of subparagraph 1., for voluntary outpatient treatment;

3. The patient, unless he or she is charged with a crime, shall be asked to give express and informed consent to placement as a voluntary patient, and, if such consent is given, the patient shall be admitted as a voluntary patient; or

4. A petition for involuntary placement shall be filed in the circuit appropriate court by the facility administrator when outpatient or inpatient treatment is deemed necessary. When inpatient treatment is deemed necessary, in which case, the least restrictive treatment consistent with the optimum improvement of the patient's condition shall be made available. When a petition is to be filed for involuntary outpatient placement, it shall be filed by one of the petitioners specified in s. 394.4655(3)(a). A petition for involuntary inpatient placement shall be filed by the facility administrator.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 13, after the semicolon (;) insert: adding mental health counselors to the persons who can initiate an involuntary examination;

Senators Smith and Peaden offered the following amendment which was moved by Senator Smith and adopted:

Amendment 4 (040466)—On page 8, line 7 through page 19, line 23, delete those lines and insert:

Section 5. Section 394.4655, Florida Statutes, is created to read:

394.4655 *Involuntary outpatient placement.*—

(1) **CRITERIA FOR INVOLUNTARY OUTPATIENT PLACEMENT.**—A person may be ordered to involuntary outpatient placement upon a finding of the court that by clear and convincing evidence:

- (a) The person is 18 years of age or older;
- (b) The person has a mental illness;
- (c) The person is unlikely to survive safely in the community without supervision, based on a clinical determination;
- (d) The person has a history of lack of compliance with treatment for mental illness;
- (e) The person has:

1. At least twice within the immediately preceding 36 months been involuntarily admitted to a receiving or treatment facility as defined in

s. 394.455, or has received mental health services in a forensic or correctional facility. The 36-month period does not include any period during which the person was admitted or incarcerated; or

2. Engaged in one or more acts of serious violent behavior toward self or others, or attempts at serious bodily harm to himself or herself or others, within the preceding 36 months;

(f) The person is, as a result of his or her mental illness, unlikely to voluntarily participate in the recommended treatment plan and either he or she has refused voluntary placement for treatment after sufficient and conscientious explanation and disclosure of the purpose of placement for treatment or he or she is unable to determine for himself or herself whether placement is necessary;

(g) In view of the person's treatment history and current behavior, the person is in need of involuntary outpatient placement in order to prevent a relapse or deterioration that would be likely to result in serious bodily harm to himself or herself or others, or a substantial harm to his or her well-being as set forth in s. 394.463(1);

(h) It is likely that the person will benefit from involuntary outpatient placement; and

(i) All available less restrictive alternatives that would offer an opportunity for improvement of his or her condition have been judged to be inappropriate or unavailable.

(2) **INVOLUNTARY OUTPATIENT PLACEMENT.**—

(a)1. A patient may be retained by a receiving facility upon the recommendation of the administrator of a receiving facility where the patient has been examined and after adherence to the notice of hearing procedures provided in s. 394.4599. The recommendation must be supported by the opinion of a psychiatrist and the second opinion of a clinical psychologist or another psychiatrist, both of whom have personally examined the patient within the preceding 72 hours, that the criteria for involuntary outpatient placement are met. However, in a county having a population of fewer than 50,000, if the administrator certifies that no psychiatrist or clinical psychologist is available to provide the second opinion, the second opinion may be provided by a licensed physician who has postgraduate training and experience in diagnosis and treatment of mental and nervous disorders or by a psychiatric nurse as defined in this chapter. Such a recommendation must be entered on an involuntary outpatient placement certificate, which certificate must authorize the receiving facility to retain the patient pending completion of a hearing. The certificate shall be made a part of the patient's clinical record.

2. If the patient has been stabilized and no longer meets the criteria for involuntary examination pursuant to s. 394.463(1), the patient must be released from the receiving facility while awaiting the hearing for involuntary outpatient placement. Prior to filing a petition for involuntary outpatient treatment, the administrator of a receiving facility or a designated department representative shall identify the service provider that will have primary responsibility for service provision under an order for involuntary outpatient placement, unless the person is otherwise participating in outpatient psychiatric treatment and is not in need of public financing for that treatment, in which case the individual, if eligible, may be ordered to involuntary treatment pursuant to the existing psychiatric treatment relationship.

3. The service provider shall prepare a written proposed treatment plan in consultation with the patient or the patient's guardian advocate, if appointed, for the court's consideration for inclusion in the involuntary outpatient placement order. The service provider shall also provide a copy of the proposed treatment plan to the patient and the administrator of the receiving facility. The treatment plan must specify the nature and extent of the patient's mental illness. The treatment plan must address the reduction of symptoms that necessitate involuntary outpatient placement and include measurable goals and objectives for the services and treatment that are provided to treat the person's mental illness and to assist the person in living and functioning in the community or to attempt to prevent a relapse or deterioration. Service providers may select and provide supervision to other individuals to implement specific aspects of the treatment plan. The services in the treatment plan must be deemed to be clinically appropriate by a physician, clinical psychologist, psychiatric nurse, or clinical social worker, as defined in this chapter, who consults with, or is employed or contracted by, the service provider. The service provider must certify to the court in the proposed treatment plan whether

sufficient services for improvement and stabilization are currently available and whether the service provider agrees to provide those services. If the service provider certifies that the services in the proposed treatment plan are not available, the petitioner may not file the petition.

(b) If a patient in involuntary inpatient placement meets the criteria for involuntary outpatient placement, the administrator of the treatment facility may, before the expiration of the period during which the treatment facility is authorized to retain the patient, recommend involuntary outpatient placement. The recommendation must be supported by the opinion of a psychiatrist and the second opinion of a clinical psychologist or another psychiatrist, both of whom have personally examined the patient within the preceding 72 hours, that the criteria for involuntary outpatient placement are met. However, in a county having a population of fewer than 50,000, if the administrator certifies that no psychiatrist or clinical psychologist is available to provide the second opinion, the second opinion may be provided by a licensed physician who has postgraduate training and experience in diagnosis and treatment of mental and nervous disorders or by a psychiatric nurse as defined in s. 394.455(23). Such a recommendation must be entered on an involuntary outpatient placement certificate and the certificate shall be made a part of the patient's clinical record.

(c)1. The administrator of the treatment facility shall provide a copy of the involuntary outpatient placement certificate and a copy of the state mental health discharge form to a department representative in the county where the patient will be residing. For persons who are leaving a state mental health treatment facility, the petition for involuntary outpatient placement must be filed in the county where the patient will be residing.

2. The service provider that will have primary responsibility for service provision shall be identified by the designated department representative prior to the order for involuntary outpatient placement and must, prior to filing a petition for involuntary outpatient placement, certify to the court whether the services recommended in the patient's discharge plan are available in the local community and whether the service provider agrees to provide those services. The service provider must develop with the patient, or the patient's guardian advocate, if appointed, a treatment or service plan that addresses the needs identified in the discharge plan. The plan must be deemed to be clinically appropriate by a physician, clinical psychologist, psychiatric nurse, or clinical social worker, as defined in this chapter, who consults with, or is employed or contracted by, the service provider.

3. If the service provider certifies that the services in the proposed treatment or service plan are not available, the petitioner may not file the petition.

(3) PETITION FOR INVOLUNTARY OUTPATIENT PLACEMENT.—

(a) A petition for involuntary outpatient placement may be filed by:

1. The administrator of a receiving facility; or
2. The administrator of a treatment facility.

(b) Each required criterion for involuntary outpatient placement must be alleged and substantiated in the petition for involuntary outpatient placement. A copy of the certificate recommending involuntary outpatient placement completed by a qualified professional specified in subsection (2) must be attached to the petition. A copy of the proposed treatment plan must be attached to the petition. Before the petition is filed, the service provider shall certify that the services in the proposed treatment plan are available. If the necessary services are not available in the patient's local community to respond to the person's individual needs, the petition may not be filed.

(c) The petition for involuntary outpatient placement must be filed in the county where the patient is located, unless the patient is being placed from a state treatment facility, in which case, the petition must be filed in the county where the patient will reside. When the petition has been filed, the clerk of the court shall provide copies of the petition and the proposed treatment plan to the department, the patient, the patient's guardian or representative, the state attorney, and the public defender or the patient's private counsel. A fee may not be charged for filing a petition under this subsection.

(4) APPOINTMENT OF COUNSEL.—Within 1 court working day after the filing of a petition for involuntary outpatient placement, the court shall appoint the public defender to represent the person who is the subject of the petition, unless the person is otherwise represented by counsel. The clerk of the court shall immediately notify the public defender of the appointment. The public defender shall represent the person until the petition is dismissed, the court order expires, or the patient is discharged from involuntary outpatient placement. An attorney who represents the patient shall have access to the patient, witnesses, and records relevant to the presentation of the patient's case and shall represent the interests of the patient, regardless of the source of payment to the attorney.

(5) CONTINUANCE OF HEARING.—The patient is entitled, with the concurrence of the patient's counsel, to at least one continuance of the hearing. The continuance shall be for a period of up to 4 weeks.

(6) HEARING ON INVOLUNTARY OUTPATIENT PLACEMENT.—

(a)1. The court shall hold the hearing on involuntary outpatient placement within 5 working days after the filing of the petition, unless a continuance is granted. The hearing shall be held in the county where the petition is filed, shall be as convenient to the patient as is consistent with orderly procedure, and shall be conducted in physical settings not likely to be injurious to the patient's condition. If the court finds that the patient's attendance at the hearing is not consistent with the best interests of the patient and if the patient's counsel does not object, the court may waive the presence of the patient from all or any portion of the hearing. The state attorney for the circuit in which the patient is located shall represent the state, rather than the petitioner, as the real party in interest in the proceeding.

2. The court may appoint a master to preside at the hearing. One of the professionals who executed the involuntary outpatient placement certificate shall be a witness. The patient and the patient's guardian or representative shall be informed by the court of the right to an independent expert examination. If the patient cannot afford such an examination, the court shall provide for one. The independent expert's report shall be confidential and not discoverable, unless the expert is to be called as a witness for the patient at the hearing. The court shall allow testimony from individuals, including family members, deemed by the court to be relevant under state law, regarding the person's prior history and how that prior history relates to the person's current condition. The testimony in the hearing must be given under oath, and the proceedings must be recorded. The patient may refuse to testify at the hearing.

(b)1. If the court concludes that the patient meets the criteria for involuntary outpatient placement pursuant to subsection (1), the court shall issue an order for involuntary outpatient placement. The order shall be for a period of up to 6 months. The order must specify the nature and extent of the patient's mental illness. The order of the court and the treatment plan shall be made part of the patient's clinical record. The service provider shall discharge a patient from involuntary outpatient placement when the order expires or any time the patient no longer meets the criteria for involuntary placement. Upon discharge, the service provider shall send a certificate of discharge to the court.

2. The court may not order the department or the service provider to provide services if the program or service is not available in the patient's local community, if there is no space available in the program or service for the patient, or if funding is not available for the program or service. A copy of the order must be sent to the Agency for Health Care Administration by the service provider within 1 working day after it is received from the court. After the placement order is issued, the service provider and the patient may modify provisions of the treatment plan. For any material modification of the treatment plan to which the patient or the patient's guardian advocate, if appointed, does agree, the service provider shall send notice of the modification to the court. Any material modifications of the treatment plan which are contested by the patient or the patient's guardian advocate, if appointed, must be approved or disapproved by the court consistent with subsection (2).

3. If, in the clinical judgment of a physician, the patient has failed or has refused to comply with the treatment ordered by the court, and, in the clinical judgment of the physician, efforts were made to solicit compliance and the patient may meet the criteria for involuntary examination, a person may be brought to a receiving facility pursuant to s. 394.463. If, after examination, the patient does not meet the criteria for involuntary

inpatient placement pursuant to s. 394.467, the patient must be discharged from the receiving facility. The involuntary outpatient placement order shall remain in effect unless the service provider determines that the patient no longer meets the criteria for involuntary outpatient placement or until the order expires. The service provider must determine whether modifications should be made to the existing treatment plan and must attempt to continue to engage the patient in treatment. For any material modification of the treatment plan to which the patient or the patient's guardian advocate, if appointed, does agree, the service provider shall send notice of the modification to the court. Any material modifications of the treatment plan which are contested by the patient or the patient's guardian advocate, if appointed, must be approved or disapproved by the court consistent with subsection (2).

(c) If, at any time before the conclusion of the initial hearing on involuntary outpatient placement, it appears to the court that the person does not meet the criteria for involuntary outpatient placement under this section but, instead, meets the criteria for involuntary inpatient placement, the court may order the person admitted for involuntary inpatient examination under s. 394.463. If the person instead meets the criteria for involuntary assessment, protective custody, or involuntary admission pursuant to s. 397.675, the court may order the person to be admitted for involuntary assessment for a period of 5 days pursuant to s. 397.6811. Thereafter, all proceedings shall be governed by chapter 397.

(d) At the hearing on involuntary outpatient placement, the court shall consider testimony and evidence regarding the patient's competence to consent to treatment. If the court finds that the patient is incompetent to consent to treatment, it shall appoint a guardian advocate as provided in s. 394.4598. The guardian advocate shall be appointed or discharged in accordance with s. 394.4598.

(e) The administrator of the receiving facility or the designated department representative shall provide a copy of the court order and adequate documentation of a patient's mental illness to the service provider for involuntary outpatient placement. Such documentation must include any advance directives made by the patient, a psychiatric evaluation of the patient, and any evaluations of the patient performed by a clinical psychologist or a clinical social worker.

(7) PROCEDURE FOR CONTINUED INVOLUNTARY OUTPATIENT PLACEMENT.—

(a)1. If the person continues to meet the criteria for involuntary outpatient placement, the service provider shall, before the expiration of the period during which the treatment is ordered for the person, file in the circuit court a petition for continued involuntary outpatient placement.

2. The existing involuntary outpatient placement order remains in effect until disposition on the petition for continued involuntary outpatient placement.

3. A certificate shall be attached to the petition which includes a statement from the person's physician or clinical psychologist justifying the request, a brief description of the patient's treatment during the time he or she was involuntarily placed, and an individualized plan of continued treatment.

4. The service provider shall develop the individualized plan of continued treatment in consultation with the patient or the patient's guardian advocate, if appointed. When the petition has been filed, the clerk of the court shall provide copies of the certificate and the individualized plan of continued treatment to the department, the patient, the patient's guardian advocate, the state attorney, and the patient's private counsel or the public defender.

(b) Within 1 court working day after the filing of a petition for continued involuntary outpatient placement, the court shall appoint the public defender to represent the person who is the subject of the petition, unless the person is otherwise represented by counsel. The clerk of the court shall immediately notify the public defender of such appointment. The public defender shall represent the person until the petition is dismissed or the court order expires or the patient is discharged from involuntary outpatient placement. Any attorney representing the patient shall have access to the patient, witnesses, and records relevant to the presentation of the patient's case and shall represent the interests of the patient, regardless of the source of payment to the attorney.

(c) Hearings on petitions for continued involuntary outpatient placement shall be before the circuit court. The court may appoint a master to preside at the hearing. The procedures for obtaining an order pursuant to this paragraph shall be in accordance with subsection (6), except that the time period included in paragraph (1)(e) is not applicable in determining the appropriateness of additional periods of involuntary outpatient placement.

(d) Notice of the hearing shall be provided as set forth in s. 394.4599. The patient and the patient's attorney may agree to a period of continued outpatient placement without a court hearing.

(e) The same procedure shall be repeated before the expiration of each additional period the patient is placed in treatment.

(f) If the patient has previously been found incompetent to consent to treatment, the court shall consider testimony and evidence regarding the patient's competence. Section 394.4598 governs the discharge of the guardian advocate if the patient's competency to consent to treatment has been restored.

Senator Diaz de la Portilla offered the following amendment which was moved by Senator Peaden and adopted:

Amendment 5 (833782)—On page 20, lines 26 and 27, delete “or a clinical psychologist with a Ph.D., Psy.D., or Ed.D.”

Senator Smith moved the following amendment which was adopted:

Amendment 6 (932736)(with title amendment)—On page 27, delete line 1 and insert:

Section 9. Baker Act Workgroup.—

(1) There shall be created a Baker Act Workgroup for the purpose of determining the fiscal impact, if any, of including in the involuntary examination provisions of the Baker Act mental health professionals who are not presently permitted by law to seek involuntary examination under the Baker Act. The Baker Act Workgroup shall be coordinated through the Department of Children and Family Services, and shall include the following members:

(a) Two members to be appointed by the Speaker of the House of Representatives, at least one of whom must be a member of the Duval County delegation.

(b) Two members to be appointed by the President of the Senate, at least one of whom must be a member of the Duval County delegation.

(c) Two members to be appointed by the Governor.

(d) Two members appointed by the Secretary of Children and Family Services, one of whom must be a member of the Florida Mental Health Counselors Association selected in consultation with the Florida Mental Health Counselors Association and one of whom must be a board-certified psychiatrist licensed under chapter 458 or chapter 459, Florida Statutes.

(e) The Duval County Sheriff or his designee.

(2) The Department of Children and Family Services shall contract with the Florida Mental Health Institute to evaluate data provided by the District 4 Baker Act Pilot Project, for the purpose of determining the fiscal impact, if any, of including in the involuntary examination provisions of the Baker Act mental health professionals who are not presently permitted by law to seek involuntary examination under the Baker Act.

(3) Prior to the study, the Florida Mental Health Institute must provide the proposed research criteria and methodology to the Baker Act Workgroup. The Baker Act Workgroup must approve of any research criteria and methodology that is used as a part of the study.

(4) The Florida Mental Health Institute shall submit the findings of its study to the Baker Act Workgroup no later than February 1, 2005.

(5) The Baker Act Workgroup shall submit a final report with recommendations to the Speaker of the House of Representatives and to the President of the Senate by March 1, 2005. The Baker Act Workgroup shall terminate on March 1, 2005.

(6) All members of the Baker Act Workgroup shall serve without additional compensation or honorarium, and are authorized to receive only per diem and reimbursement for travel expenses as provided in section 112.061, Florida Statutes.

Section 10. District 4 Baker Act Pilot Project.—

(1) **LEGISLATIVE INTENT.**—It is the intent of the Legislature to ensure that the public is safeguarded through the expansion of qualified mental health professionals who may assess and refer persons who are a danger to themselves or others to appropriate services.

(2) The Department of Children and Family Services shall create a pilot project in District 4, which encompasses Baker, Clay, Duval, Nassau, and St. John's counties. The pilot project shall include mental health counselors in the involuntary examination provisions of the Baker Act, as provided in section 4 of this act.

(3) Using the criteria approved by the Baker Act Workgroup, the Florida Mental Health Institute shall study the District 4 Baker Act Pilot Project data to determine the fiscal impact, if any, of including licensed mental health counselors in the involuntary examination provisions of the Baker Act, as provided in section 4 of this act.

(4) The pilot project shall terminate on July 1, 2005, unless repealed sooner by the Legislature.

(5) The Department of Children and Family Services is authorized to use up to \$75,000 to implement the Baker Act Workgroup and the District 4 Baker Act Pilot Project as provided in sections 9 and 10 of this act.

Section 11. Except as otherwise expressly provided in this act, and except for this section and sections 9 and 10 of this act, which shall take effect July 1, 2004, this act shall take effect January 1, 2005.

And the title is amended as follows:

On page 1, delete line 30 and insert: creating the Baker Act Workgroup; providing a purpose; providing for the coordination of the workgroup through the Department of Children and Family Services; providing for members; requiring the department to evaluate data from a pilot program; providing research criteria by the Florida Mental Health Institute; requiring the Florida Mental Health Institute to submit its findings to the workgroup; requiring the workgroup to submit a report to the Legislature; creating the District 4 Baker Act Pilot Project in the department; providing legislative intent; requiring the Florida Mental Health Institute to study data from the pilot project for fiscal impact; providing a termination date; authorizing the department to use a certain maximum dollar amount to implement the workgroup and the pilot program; providing effective dates.

Pursuant to Rule 4.19, **CS for CS for CS for CS for SB 700** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Saunders—

CS for SB 1374—A bill to be entitled An act relating to health care providers; amending s. 766.1115, F.S.; revising a definition for purposes of the Access to Health Care Act to provide that a contract with a health care provider to serve low-income patients requires the provider to deliver the services without compensation and prohibits the health care provider from billing any third-party payor for any services rendered to low-income patients; redefining the term "health care provider" to include certain free-clinics; requiring the Department of Health to adopt rules to establish procedures for patient referral and eligibility for use by governmental contractors; defining the term "health care practitioner"; providing for waiver of biennial license renewal fees and fulfillment of a portion of continuing education hours for specified health care practitioners who provide services, without compensation, to low-income recipients as an agent of governmental contractors; amending s. 381.00593, F.S.; providing that for purposes of the public school volunteer health care practitioner program, a licensed dietitian/nutritionist is a health care practitioner; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 1374** to **HB 1121**.

Pending further consideration of **CS for SB 1374** as amended, on motion by Senator Saunders, by two-thirds vote **HB 1121** was withdrawn from the Committees on Health, Aging, and Long-Term Care; Appropriations Subcommittee on Health and Human Services; and Appropriations.

On motion by Senator Saunders—

HB 1121—A bill to be entitled An act relating to health care providers; amending s. 766.1115, F.S.; revising definitions; providing qualifications for volunteer, uncompensated services; extending protection of sovereign immunity to free clinics as health care providers; requiring the Department of Health to adopt certain rules to specify methods for determination and approval of patient eligibility; providing requirements for such rules; defining the term "health care practitioner"; providing for waiver of biennial license renewal fees and fulfillment of a portion of continuing education hours for specified health care practitioners who provide services, without compensation, to low-income recipients as agents of governmental contractors; amending s. 381.00593, F.S.; providing that for purposes of the public school volunteer health care practitioner program, a licensed dietitian/nutritionist is a health care practitioner; providing an effective date.

—a companion measure, was substituted for **CS for SB 1374** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 1121** was placed on the calendar of Bills on Third Reading.

CS for SB 1226—A bill to be entitled An act relating to the long-term-care service delivery system; amending s. 20.41, F.S.; requiring the area agency on aging board under the Department of Elderly Affairs to annually appoint an executive director; requiring the secretary of the department to annually evaluate the performance of the executive director; amending s. 409.912, F.S.; requiring the Department of Elderly Affairs to assess certain nursing home residents to facilitate their transition to a community-based setting; amending s. 430.04, F.S.; providing that the department may take intermediate measures against an area agency on aging if it exceeds its authority or fails to adhere to the terms of its contract with the department, adhere to the statutory provisions or departmental rules, properly determine client eligibility, or manage program budgets; amending s. 430.041, F.S.; locating the Office of Long-Term-Care Policy within the Department of Elderly Affairs for administrative purposes only; providing that the office and its director shall not be subject to control, supervision, or direction by the department; revising the purpose of the office; replacing the advisory council with an interagency coordinating team; specifying the composition of the interagency coordinating team; revising reporting requirements; amending s. 430.203, F.S.; redefining the terms "community care service system" and "lead agency"; amending s. 430.205, F.S.; requiring the Department of Elderly Affairs and the Agency for Health Care Administration to develop an integrated long-term-care service-delivery system; requiring the Department of Elderly Affairs and the agency to phase in implementation of the integrated long-term-care system; specifying timeframes and activities for each implementation phase; authorizing the agency to seek federal waivers to implement the changes; requiring the department to integrate certain database systems; requiring development of pilot projects; requiring the agency and the department to develop capitation rates for certain services; providing rulemaking authority to the agency and the department; requiring reports to the Governor and the Legislature; amending s. 430.7031, F.S.; requiring the department and the agency to review the case files of a specified percentage of Medicaid nursing home residents annually for the purpose of determining whether the residents are able to move to community placements; amending s. 430.705, F.S.; providing additional eligibility requirements for entities that provide services under the long-term-care community diversion pilot projects; requiring the annual evaluation and certification of capitation rates; providing additional requirements to be used in developing capitation rates for the pilot projects; amending s. 430.709, F.S.; providing additional requirements for evaluating the long-term-care diversion pilot projects; requiring a report to the Governor and the Legislature; providing an effective date.

—was read the second time by title.

Senator Saunders moved the following amendment which was adopted:

Amendment 1 (531348)(with title amendment)—On page 3, line 11 through page 7, line 2, delete those lines and insert:

Section 1. *By January 1 of each year, the Department of Elderly Affairs shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a summary of the results of the department's monitoring of the activities of area agencies on aging. The report must include information about each area agency's compliance with state and federal rules pertaining to all programs administered by the area agency, information about each area agency's financial management of state and federally funded programs, information about each agency's compliance with the terms of its contracts with the department, and a summary of corrective action required by the department.*

Section 2. Paragraph (l) is added to subsection (1) of section 400.441, Florida Statutes, to read:

400.441 Rules establishing standards.—

(1) It is the intent of the Legislature that rules published and enforced pursuant to this section shall include criteria by which a reasonable and consistent quality of resident care and quality of life may be ensured and the results of such resident care may be demonstrated. Such rules shall also ensure a safe and sanitary environment that is residential and noninstitutional in design or nature. It is further intended that reasonable efforts be made to accommodate the needs and preferences of residents to enhance the quality of life in a facility. In order to provide safe and sanitary facilities and the highest quality of resident care accommodating the needs and preferences of residents, the department, in consultation with the agency, the Department of Children and Family Services, and the Department of Health, shall adopt rules, policies, and procedures to administer this part, which must include reasonable and fair minimum standards in relation to:

(l) *The establishment of specific policies and procedures on resident elopement. Facilities shall conduct a minimum of two resident elopement drills each year. All administrators and direct care staff shall participate in the drills. Facilities shall document the drills.*

Section 3. Subsection (15) of section 409.912, Florida Statutes, is amended to read:

409.912 Cost-effective purchasing of health care.—The agency shall purchase goods and services for Medicaid recipients in the most cost-effective manner consistent with the delivery of quality medical care. The agency shall maximize the use of prepaid per capita and prepaid aggregate fixed-sum basis services when appropriate and other alternative service delivery and reimbursement methodologies, including competitive bidding pursuant to s. 287.057, designed to facilitate the cost-effective purchase of a case-managed continuum of care. The agency shall also require providers to minimize the exposure of recipients to the need for acute inpatient, custodial, and other institutional care and the inappropriate or unnecessary use of high-cost services. The agency may establish prior authorization requirements for certain populations of Medicaid beneficiaries, certain drug classes, or particular drugs to prevent fraud, abuse, overuse, and possible dangerous drug interactions. The Pharmaceutical and Therapeutics Committee shall make recommendations to the agency on drugs for which prior authorization is required. The agency shall inform the Pharmaceutical and Therapeutics Committee of its decisions regarding drugs subject to prior authorization.

(15)(a) The agency shall operate the Comprehensive Assessment and Review for Long-Term Care Services (CARES) nursing facility preadmission screening program to ensure that Medicaid payment for nursing facility care is made only for individuals whose conditions require such care and to ensure that long-term care services are provided in the setting most appropriate to the needs of the person and in the most economical manner possible. The CARES program shall also ensure that individuals participating in Medicaid home and community-based waiver programs meet criteria for those programs, consistent with approved federal waivers.

(b) The agency shall operate the CARES program through an interagency agreement with the Department of Elderly Affairs. *The agency, in consultation with the Department of Elderly Affairs, may contract for any function or activity of the CARES program, including any function or activity required by 42 C.F.R. part 483.20, relating to preadmission screening and resident review.*

(c) Prior to making payment for nursing facility services for a Medicaid recipient, the agency must verify that the nursing facility preadmission screening program has determined that the individual requires nursing facility care and that the individual cannot be safely served in community-based programs. The nursing facility preadmission screening program shall refer a Medicaid recipient to a community-based program if the individual could be safely served at a lower cost and the recipient chooses to participate in such program.

(d) *For the purpose of initiating immediate prescreening and diversion assistance for individuals residing in nursing homes and in order to make families aware of alternative long-term care resources so that they may choose a more cost-effective setting for long-term placement, CARES staff shall conduct an assessment and review of a sample of individuals whose nursing home stay is expected to exceed 20 days, regardless of the initial funding source for the nursing home placement. CARES staff shall provide counseling and referral services to these individuals regarding choosing appropriate long-term care alternatives. This paragraph does not apply to continuing care facilities licensed under chapter 651 or to retirement communities that provide a combination of nursing home, independent living, and other long-term care services.*

(e)(4) By January 15 of each year, the agency shall submit a report to the Legislature and the Office of Long-Term-Care Policy describing the operations of the CARES program. The report must describe:

1. Rate of diversion to community alternative programs;
2. CARES program staffing needs to achieve additional diversions;
3. Reasons the program is unable to place individuals in less restrictive settings when such individuals desired such services and could have been served in such settings;
4. Barriers to appropriate placement, including barriers due to policies or operations of other agencies or state-funded programs; and
5. Statutory changes necessary to ensure that individuals in need of long-term care services receive care in the least restrictive environment.

(f) *The Department of Elderly Affairs shall track individuals over time who are assessed under the CARES program and who are diverted from nursing home placement. By January 15 of each year, the department shall submit to the Legislature and the Office of Long-Term-Care Policy, a longitudinal study of the individuals who are diverted from nursing home placement. The study must include:*

1. *The demographic characteristics of the individuals assessed and diverted from nursing home placement, including, but not limited to, age, race, gender, frailty, caregiver status, living arrangements, and geographic location;*
2. *A summary of community services provided to individuals for 1 year after assessment and diversion;*
3. *A summary of inpatient hospital admissions for individuals who have been diverted; and*
4. *A summary of the length of time between diversion and subsequent entry into a nursing home or death.*

(g) *By July 1, 2005, the department and the Agency for Health Care Administration shall report to the President of the Senate and the Speaker of the House of Representatives regarding the impact to the state of modifying level-of-care criteria to eliminate the Intermediate II level of care.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 3-9, delete those lines and insert: delivery system; requiring the Department of Elderly Affairs to report to the Governor and the Legislature the results of the department's monitoring of the activities of the area agencies on aging; amending s. 400.441, F.S.; requiring the Department of Children and Family Services and the Department of Health, in consultation with the agency, to adopt rules, policies, and procedures that include standards regarding elopement of residents; amending s. 409.912, F.S.; requiring

Senator Saunders moved the following amendment:

Amendment 2 (423446)—On page 14, line 23 through page 21, line 26, delete those lines and insert:

(b) *During the 2004-2005 state fiscal year:*

1. *The agency, in consultation with the department, shall develop an implementation plan to integrate the Frail Elder Option into the Nursing Home Diversion pilot project and each program's funds into one capitated program serving the aged. Beginning July 1, 2004, the agency may not enroll additional individuals in the Frail Elder Option.*

2. *The agency, in consultation with the department, shall integrate the Aged and Disabled Adult Medicaid waiver program and the Assisted Living for the Elderly Medicaid waiver program and each program's funds into one fee-for-service Medicaid waiver program serving the aged and disabled. Once the programs are integrated, funding to provide care in assisted-living facilities under the new waiver may not be less than the amount appropriated in the 2003-2004 fiscal year for the Assisted Living for the Elderly Medicaid waiver.*

a. *The agency shall seek federal waivers necessary to integrate these waiver programs.*

b. *The agency and the department shall reimburse providers for case management services on a capitated basis and develop uniform standards for case management in this fee-for-service Medicaid waiver program. The coordination of acute and chronic medical services for individuals shall be included in the capitated rate for case management services.*

c. *The agency and the department shall adopt any rules necessary to comply with or administer these requirements, effect and implement interagency agreements between the department and the agency, and comply with federal requirements.*

3. *The Legislature finds that preservation of the historic aging network of lead agencies is essential to the well-being of Florida's elderly population. The Legislature finds that the Florida aging network constitutes a system of essential community providers which should be nurtured and assisted to develop systems of operations which allow the gradual assumption of responsibility and financial risk for managing a client through the entire continuum of long-term care services within the area the lead agency is currently serving, and which allow lead agency providers to develop managed systems of service delivery. The department, in consultation with the agency, shall therefore:*

a. *Develop a demonstration project in which existing community care for the elderly lead agencies are assisted in transferring their business model and the service delivery system within their current community care service area, to enable assumption over a period of time, of full risk as a community diversion pilot project contractor providing long-term care services in the areas of operation. The department, in consultation with the agency and the Department of Children and Family Services, shall develop an implementation plan for no more than three lead agencies by October 31, 2004.*

b. *In the demonstration area, a community care for the elderly lead agency shall be initially reimbursed on a prepaid or fixed-sum basis for services provided under the newly integrated fee-for-service Medicaid waiver. By the end of the third year of operation, the demonstration shall include all services under the long-term care community diversion pilot project.*

c. *During the first year of operation, the department, in consultation with the agency may place providers at risk to provide nursing home services for the enrolled individuals who are participating in the demonstration project. During the 3-year development period, the agency and the department may limit the level of custodial nursing home risk that the administering entities assume. Under risk-sharing arrangements, during the first 3 years of operation, the department, in consultation with the agency, may reimburse the administering entity for the cost of providing nursing home care for Medicaid-eligible participants who have been permanently placed and remain in a nursing home for more than 1 year, or may disenroll such participants from the demonstration project.*

d. *The agency, in consultation with the department, shall develop reimbursement rates based on the historical cost experience of the state in providing long-term care and nursing home services under Medicaid*

waiver programs to the population 65 years of age and older in the area served by the pilot project.

e. *The department, in consultation with the agency, shall ensure that the entity or entities receiving prepaid or fixed-sum reimbursement are assisted in developing internal management and financial control systems necessary to manage the risk associated with providing services under a prepaid or fixed-sum rate system.*

f. *If the department and the agency share risk of custodial nursing home placement, payment rates during the first 3 years of operation shall be set at not more than 100 percent of the costs to the agency and the department of providing equivalent services to the population within the area of the pilot project for the year prior to the year in which the pilot project is implemented, adjusted forward to account for inflation and policy changes in the Medicaid program. In subsequent years, the rate shall be negotiated, based on the cost experience of the entity in providing contracted services, but may not exceed 95 percent of the amount that would have been paid in the pilot project area absent the prepaid or fixed sum reimbursement methodology.*

g. *Community care for the elderly lead agencies that have operated for a period of at least 20 years, which provide Medicare-certified services to elders, and which have developed a system of service provision by health care volunteers shall be given priority in the selection of the pilot project if they meet the minimum requirements specified in the competitive procurement.*

h. *The agency and the department shall adopt rules necessary to comply with or administer these requirements, effect and implement interagency agreements between the agency and the department, and comply with federal requirements.*

i. *The department and the agency shall seek federal waivers necessary to implement the requirements of this section.*

j. *The Department of Elderly Affairs shall conduct or contract for an evaluation of the demonstration project. The department shall submit the evaluation to the Governor and the Legislature by January 1, 2007. The evaluation must address the effectiveness of the pilot project in providing a comprehensive system of appropriate and high-quality long-term care services to elders in the least restrictive setting and make recommendations on expanding the project to other parts of the state.*

4. *The department, in consultation with the agency, shall study the integration of the database systems for the Comprehensive Assessment and Review of Long-Term Care (CARES) program and the Client Information and Referral Tracking System (CIRTS) and develop a plan for database integration. The department shall submit the plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31, 2004.*

5. *The department, in consultation with the agency and the Department of Children and Family Services, shall develop two pilot projects to transition area agencies on aging into resource centers on aging. By December 31, 2004, the department, in consultation with the agency and the Department of Children and Family Services, shall develop an implementation plan for transitioning area agencies on aging into resource centers on aging and submit the plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The plan must include qualifications for designation as a center and the functions to be performed by each center. The department shall determine the entities to be designated as resource centers on aging by means of competitive procurement. The department shall select the area agencies on aging based on each agency's demonstration of:*

a. *Expertise in the needs of each target population the center proposes to serve and a thorough knowledge of the providers that serve these populations;*

b. *Strong connections to service providers, volunteer agencies, and community institutions;*

c. *Expertise in information and referral activities;*

d. *Knowledge of long-term care resources, including resources designed to provide services in the least restrictive setting;*

e. *Financial solvency and stability;*

f. The ability to collect, monitor, and analyze data in a timely and accurate manner, along with systems that meet the department's standards;

g. A commitment to adequate staffing by qualified personnel to effectively perform all functions; and

h. The ability to meet all performance standards established by the department.

The department shall select two area agencies on aging as pilot projects for resource centers on aging by June 30, 2005.

6. The department, in consultation with the agency, shall develop a plan to evaluate the newly integrated fee-for-service program and the managed pilot project over time, from the beginning of the implementation process forward. The department shall contract with a research entity through competitive procurement to help develop the evaluation plan and conduct the evaluation. The evaluation shall be ongoing and shall determine whether the newly integrated program and the managed pilot project are achieving the goals of the programs and evaluate the effects the changes in the system have had on consumers. The evaluation plan must include baseline measures for evaluating the fee-for-service program and the managed pilot project, with a focus on cost effectiveness, the quality of care, and consumer satisfaction. The department shall submit the plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31, 2004.

7. The agency, in consultation with the department, shall work with the fiscal agent for the Medicaid program to develop a service utilization reporting system that operates through the fiscal agent for the capitated plans.

(c) During the 2005-2006 state fiscal year:

1. The agency, in consultation with the department, shall monitor the newly integrated fee-for-service program and the managed pilot project and report on the progress of those programs to the Governor, the President of the Senate, and the Speaker of the House of Representatives by June 30, 2006. The report must include an initial evaluation of the programs in their early stages following the evaluation plan developed by the department, in consultation with the agency and the selected contractor.

2. The department shall monitor the pilot projects for resource centers on aging and report on the progress of those projects to the Governor, the President of the Senate, and the Speaker of the House of Representatives by June 30, 2006. The report must include an evaluation of the implementation process in its early stages.

3. The department, in consultation with the agency, shall integrate the database systems for the Comprehensive Assessment and Review of Long-Term Care (CARES) program and the Client Information and Referral Tracking System (CIRTS) into a single operating assessment information system by June 30, 2006.

4. The agency, in consultation with the department shall integrate the Frail Elder Option into the Nursing Home Diversion pilot project and each program's funds into one capitated program serving the aged.

a. The department, in consultation with the agency, shall develop uniform standards for case management in this newly integrated capitated system.

b. The agency shall seek federal waivers necessary to integrate these programs.

c. The department, in consultation with the agency, shall adopt any rules necessary to comply with or administer these requirements, effect and implement interagency agreements between the department and the agency, and comply with federal requirements.

(d) During the 2006-2007 state fiscal year:

1. The agency, in consultation with the department, shall evaluate the Alzheimer's Disease waiver program and the Adult Day Health Care waiver program to assess whether providing limited intensive services through these waiver programs produce better outcomes for individuals than providing those services through the fee-for-service or capitated programs that provide a larger array of services.

2. The agency, in consultation with the department, shall begin discussions with the federal Centers for Medicare and Medicaid Services regarding the inclusion of Medicare into the integrated long-term care system. By December 31, 2006, the agency shall provide to the Governor, the President of the Senate, and the Speaker of the House of Representatives a plan for including Medicare in the integrated long-term care system.

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

Amendment 2A (105050)—On page 5, line 24 through page 7, line 17, delete those lines and insert:

5. The agency, in consultation with the department, shall work with the fiscal agent for the Medicaid program to develop a service utilization reporting system that operates through the fiscal agent for the capitated plans.

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

Amendment 2B (962008)—On page 7, lines 20 and 21, delete those lines and insert:

shall monitor the newly integrated programs and report on the progress of those

Amendment 2 as amended was adopted.

Senator Fasano moved the following amendment which was adopted:

Amendment 3 (040812)(with title amendment)—On page 26, between lines 11 and 12, insert:

Section 7. Section 430.2053, Florida Statutes, is created to read:

430.2053 Aging resource centers.—

(1) The department, in consultation with the Agency for Health Care Administration and the Department of Children and Family Services, shall develop pilot projects for aging resource centers. By October 31, 2004, the department, in consultation with the agency and the Department of Children and Family Services, shall develop an implementation plan for aging resource centers and submit the plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The plan must include qualifications for designation as a center, the functions to be performed by each center, and a process for determining that a current area agency on aging is ready to assume the functions of an aging resource center.

(2) Each area agency on aging shall develop, in consultation with the existing community care for the elderly lead agencies within their planning and service areas, a proposal that describes the process the area agency on aging intends to undertake to transition to an aging resource center prior to July 1, 2005, and that describes the area agency's compliance with the requirements of this section. The proposals must be submitted to the department prior to December 31, 2004. The department shall evaluate all proposals for readiness and, prior to March 1, 2005, shall select three area agencies on aging which meet the requirements of this section to begin the transition to aging resource centers. Those area agencies on aging which are not selected to begin the transition to aging resource centers shall, in consultation with the department and the existing community care for the elderly lead agencies within their planning and service areas, amend their proposals as necessary and resubmit them to the department prior to July 1, 2005. The department may transition additional area agencies to aging resource centers as it determines that area agencies are in compliance with the requirements of this section.

(3) The Auditor General and the Office of Program Policy Analysis and Government Accountability (OPPAGA) shall jointly review and assess the department's process for determining an area agency's readiness to transition to an aging resource center.

(a) The review must, at a minimum, address the appropriateness of the department's criteria for selection of an area agency to transition to an aging resource center, the instruments applied, the degree to which the department accurately determined each area agency's compliance with the readiness criteria, the quality of the technical assistance provided by

the department to an area agency in correcting any weaknesses identified in the readiness assessment, and the degree to which each area agency overcame any identified weaknesses.

(b) Reports of these reviews must be submitted to the appropriate substantive and appropriations committees in the Senate and the House of Representatives on March 1 and September 1 of each year until full transition to aging resource centers has been accomplished statewide, except that the first report must be submitted by February 1, 2005, and must address all readiness activities undertaken through December 31, 2004. The perspectives of all participants in this review process must be included in each report.

(4) The purposes of an aging resource center shall be:

(a) To provide Florida's elders and their families with a locally focused, coordinated approach to integrating information and referral for all available services for elders with the eligibility determination entities for state and federally funded long-term-care services.

(b) To provide for easier access to long-term-care services by Florida's elders and their families by creating multiple access points to the long-term-care network that flow through one established entity with wide community recognition.

(5) The duties of an aging resource center are to:

(a) Develop referral agreements with local community service organizations, such as senior centers, existing elder service providers, volunteer associations, and other similar organizations, to better assist clients who do not need or do not wish to enroll in programs funded by the department or the agency. The referral agreements must also include a protocol, developed and approved by the department, which provides specific actions that an aging resource center and local community service organizations must take when an elder or an elder's representative seeking information on long-term-care services contacts a local community service organization prior to contacting the aging resource center. The protocol shall be designed to ensure that elders and their families are able to access information and services in the most efficient and least cumbersome manner possible.

(b) Provide an initial screening of all clients who request long-term care services to determine whether the person would be most appropriately served through any combination of federally funded programs, state-funded programs, locally funded or community volunteer programs, or private funding for services.

(c) Determine eligibility for the programs and services listed in subsection (11) for persons residing within the geographic area served by the aging resource center and determine a priority ranking for services which is based upon the potential recipient's frailty level and likelihood of institutional placement without such services.

(d) Manage the availability of financial resources for the programs and services listed in subsection (11) for persons residing within the geographic area served by the aging resource center.

(e) When financial resources become available, refer a client to the most appropriate entity to begin receiving services. The aging resource center shall make referrals to lead agencies for service provision that ensure that individuals who are vulnerable adults in need of services pursuant to s. 415.104(3)(b), or who are victims of abuse, neglect, or exploitation in need of immediate services to prevent further harm and are referred by the adult protective services program, are given primary consideration for receiving community-care-for-the-elderly services in compliance with the requirements of s. 430.205(5)(a) and that other referrals for services are in compliance with s. 430.205(5)(b).

(f) Convene a work group to advise in the planning, implementation, and evaluation of the aging resource center. The work group shall be comprised of representatives of local service providers, Alzheimer's Association chapters, housing authorities, social service organizations, advocacy groups, representatives of clients receiving services through the aging resource center, and any other persons or groups as determined by the department. The aging resource center, in consultation with the work group, must develop annual program improvement plans that shall be submitted to the department for consideration. The department shall review each annual improvement plan and make recommendations on how to implement the components of the plan.

(g) Enhance the existing area agency on aging in each planning and service area by integrating, either physically or virtually, the staff and services of the area agency on aging with the staff of the department's local CARES Medicaid nursing home preadmission screening unit and a sufficient number of staff from the Department of Children and Family Services' Economic Self Sufficiency Unit necessary to determine the financial eligibility for all persons age 60 and older residing within the area served by the aging resource center that are seeking Medicaid services, Supplemental Security Income, and food stamps.

(6) The department shall select the entities to become aging resource centers based on each entity's readiness and ability to perform the duties listed in subsection (5) and the entity's:

(a) Expertise in the needs of each target population the center proposes to serve and a thorough knowledge of the providers that serve these populations.

(b) Strong connections to service providers, volunteer agencies, and community institutions.

(c) Expertise in information and referral activities.

(d) Knowledge of long-term-care resources, including resources designed to provide services in the least restrictive setting.

(e) Financial solvency and stability.

(f) Ability to collect, monitor, and analyze data in a timely and accurate manner, along with systems that meet the department's standards.

(g) Commitment to adequate staffing by qualified personnel to effectively perform all functions.

(h) Ability to meet all performance standards established by the department.

(7) The aging resource center shall have a governing body which shall be the same entity described in s. 20.41(7), and an executive director who may be the same person as described in s. 20.41(8). The governing body shall annually evaluate the performance of the executive director.

(8) The aging resource center may not be a provider of direct services other than information and referral services and screening.

(9) The aging resource center must agree to allow the department to review any financial information the department determines is necessary for monitoring or reporting purposes, including financial relationships.

(10) The duties and responsibilities of the community care for the elderly lead agencies within each area served by an aging resource center shall be to:

(a) Develop strong community partnerships to maximize the use of community resources for the purpose of assisting elders to remain in their community settings for as long as it is safely possible.

(b) Conduct comprehensive assessments of clients that have been determined eligible and develop a care plan consistent with established protocols that ensures that the unique needs of each client are met.

(11) The services to be administered through the aging resource center shall include those funded by the following programs:

(a) Community care for the elderly.

(b) Home care for the elderly.

(c) Contracted services.

(d) Alzheimer's disease initiative.

(e) Aged and disabled adult Medicaid waiver.

(f) Assisted living for the frail elderly Medicaid waiver.

(g) Older Americans Act.

(12) The department shall, prior to designation of an aging resource center, develop by rule operational and quality assurance standards and

outcome measures to ensure that clients receiving services through all long-term-care programs administered through an aging resource center are receiving the appropriate care they require and that contractors and subcontractors are adhering to the terms of their contracts and are acting in the best interests of the clients they are serving, consistent with the intent of the Legislature to reduce the use of and cost of nursing home care. The department shall by rule provide operating procedures for aging resource centers, which shall include:

- (a) Minimum standards for financial operation, including audit procedures.
- (b) Procedures for monitoring and sanctioning of service providers.
- (c) Minimum standards for technology utilized by the aging resource center.
- (d) Minimum staff requirements which shall ensure that the aging resource center employs sufficient quality and quantity of staff to adequately meet the needs of the elders residing within the area served by the aging resource center.
- (e) Minimum accessibility standards, including hours of operation.
- (f) Minimum oversight standards for the governing body of the aging resource center to ensure its continuous involvement in, and accountability for, all matters related to the development, implementation, staffing, administration, and operations of the aging resource center.
- (g) Minimum education and experience requirements for executive directors and other executive staff positions of aging resource centers.
- (h) Minimum requirements regarding any executive staff positions that the aging resource center must employ and minimum requirements that a candidate must meet in order to be eligible for appointment to such positions.

(13) In an area in which the department has designated an area agency on aging as an aging resource center, the department and the agency shall not make payments for the services listed in subsection (11) and the Long-Term Care Community Diversion Project for such persons who were not screened and enrolled through the aging resource center.

(14) Each aging resource center shall enter into a memorandum of understanding with the department for collaboration with the CARES unit staff. The memorandum of understanding shall outline the staff person responsible for each function and shall provide the staffing levels necessary to carry out the functions of the aging resource center.

(15) Each aging resource center shall enter into a memorandum of understanding with the Department of Children and Family Services for collaboration with the Economic Self-Sufficiency Unit staff. The memorandum of understanding shall outline which staff persons are responsible for which functions and shall provide the staffing levels necessary to carry out the functions of the aging resource center.

(16) If any of the state activities described in this section are outsourced, either in part or in whole, the contract executing the outsourcing shall mandate that the contractor or its subcontractors shall, either physically or virtually, execute the provisions of the memorandum of understanding instead of the state entity whose function the contractor or subcontractor now performs.

(17) In order to be eligible to begin transitioning to an aging resource center, an area agency on aging board must ensure that the area agency on aging which it oversees meets all of the minimum requirements set by law and in rule.

(18) The department shall monitor the three initial projects for aging resource centers and report on the progress of those projects to the Governor, the President of the Senate, and the Speaker of the House of Representatives by June 30, 2005. The report must include an evaluation of the implementation process.

(19)(a) Once an aging resource center is operational, the department, in consultation with the agency, may develop capitation rates for any of the programs administered through the aging resource center. Capitation rates for programs shall be based on the historical cost experience of the state in providing those same services to the population age 60 or older

residing within each area served by an aging resource center. Each capitated rate may vary by geographic area as determined by the department.

(b) The department and the agency may determine for each area served by an aging resource center whether it is appropriate, consistent with federal and state laws and regulations, to develop and pay separate capitated rates for each program administered through the aging resource center or to develop and pay capitated rates for service packages which include more than one program or service administered through the aging resource center.

(c) Once capitation rates have been developed and certified as actuarially sound, the department and the agency may pay service providers the capitated rates for services when appropriate.

(d) The department, in consultation with the agency, shall annually reevaluate and recertify the capitation rates, adjusting forward to account for inflation, programmatic changes.

(20) The department, in consultation with the agency, shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives, by December 1, 2006, a report addressing the feasibility of administering the following services through aging resource centers beginning July 1, 2007:

- (a) Medicaid nursing home services.
- (b) Medicaid transportation services.
- (c) Medicaid hospice care services.
- (d) Medicaid intermediate care services.
- (e) Medicaid prescribed drug services.
- (f) Medicaid assistive care services.
- (g) Any other long-term-care program or Medicaid service.

(21) This section shall not be construed to allow an aging resource center to restrict, manage or impede the local fund-raising activities of service providers.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 20, after the first semicolon (;) insert: creating s. 430.2053, F.S.; requiring pilot projects for aging resource centers; requiring an implementation plan; requiring that area agencies on aging submit proposals for transition to aging resource centers; requiring a review of the department's process for determining readiness; specifying purposes and duties of an aging resource center; requiring integration of certain functions of other state agencies; specifying criteria for selection of entities to become aging resource centers; specifying the duties and responsibilities of community-care-for-the-elderly providers in an area served by an aging resource center; specifying programs administered by an aging resource center; requiring rules; allowing capitated payments; requiring reports;

Senator Saunders moved the following amendment:

Amendment 4 (952608)(with title amendment)—On page 26, line 12 through page 30, line 5, delete those lines and insert:

Section 7. Subsection (1) of section 430.502, Florida Statutes, is amended to read:

430.502 Alzheimer's disease; memory disorder clinics and day care and respite care programs.—

(1) There is established:

(a) A memory disorder clinic at each of the three medical schools in this state;

(b) A memory disorder clinic at a major private nonprofit research-oriented teaching hospital, and may fund a memory disorder clinic at any of the other affiliated teaching hospitals;

- (c) A memory disorder clinic at the Mayo Clinic in Jacksonville;
- (d) A memory disorder clinic at the West Florida Regional Medical Center;
- (e) The East Central Florida Memory Disorder Clinic at the Joint Center for Advanced Therapeutics and Biomedical Research of the Florida Institute of Technology and Holmes Regional Medical Center, Inc.;
- (f) A memory disorder clinic at the Orlando Regional Healthcare System, Inc.;
- (g) A memory disorder center located in a public hospital that is operated by an independent special hospital taxing district that governs multiple hospitals and is located in a county with a population greater than 800,000 persons;
- (h) A memory disorder clinic at St. Mary's Medical Center in Palm Beach County;
- (i) A memory disorder clinic at Tallahassee Memorial Healthcare;
- (j) A memory disorder clinic at Lee Memorial Hospital created by chapter 63-1552, Laws of Florida, as amended; ~~and~~
- (k) A memory disorder clinic at Sarasota Memorial Hospital in Sarasota County; *and*;
- (l) *A memory disorder clinic at Morton Plant Hospital, Clearwater, in Pinellas County,*

for the purpose of conducting research and training in a diagnostic and therapeutic setting for persons suffering from Alzheimer's disease and related memory disorders. However, memory disorder clinics funded as of June 30, 1995, shall not receive decreased funding due solely to subsequent additions of memory disorder clinics in this subsection.

Section 8. Subsection (2) of section 430.7031, Florida Statutes, is amended to read:

430.7031 Nursing home transition program.—The department and the Agency for Health Care Administration:

(2) Shall collaboratively work to identify ~~long-stay~~ nursing home residents who are able to move to community placements, and to provide case management and supportive services to such individuals while they are in nursing homes to assist such individuals in moving to less expensive and less restrictive settings. *CARES program staff shall annually review at least 20 percent of the case files for nursing home residents who are Medicaid recipients to determine which nursing home residents are able to move to community placements.*

Section 9. Section 430.705, Florida Statutes, is amended to read:

430.705 Implementation of the long-term care community diversion pilot projects.—

(1) In designing and implementing the community diversion pilot projects, the department shall work in consultation with the agency.

(2) The department shall select projects whose design and providers demonstrate capacity to maximize the placement of participants in the least restrictive appropriate care setting. *The department shall select providers that have a plan administrator who is dedicated to the diversion pilot project and project staff who perform the necessary project administrative functions, including data collection, reporting, and analysis. The department shall select providers that:*

- (a) *Are determined by the Department of Financial Services to:*
1. *Meet surplus requirements specified in s. 641.225;*
 2. *Demonstrate the ability to comply with the standards for financial solvency specified in s. 641.285;*
 3. *Demonstrate the ability to provide for the prompt payment of claims as specified in s. 641.3155; and*
 4. *Demonstrate the ability to provide technology with the capability for data collection that meets the security requirements of the federal*

Health Insurance Portability and Accountability Act of 1996, 42 C.F.R. ss. 160 and 164.

(b) *Demonstrate the ability to contract with multiple providers that provide the same type of service.*

(3) *The agency shall seek federal waivers necessary to place a cap on the number of diversion pilot project providers in each geographic area.*

(4) *Pursuant to 42 C.F.R. s. 438.6(c), the agency, in consultation with the department, shall annually reevaluate and recertify the capitation rates for the diversion pilot projects. The agency, in consultation with the department, shall secure the utilization and cost data for Medicaid and Medicare beneficiaries served by the program which shall be used in developing rates for the diversion pilot projects.*

(5) *In order to achieve rapid enrollment into the program and efficient diversion of applicants from nursing home care, the department and the agency shall allow enrollment of Medicaid beneficiaries on the date that eligibility for the community diversion pilot project is approved. The provider shall receive a prorated capitated rate for those enrollees who are enrolled after the first of each month.*

(6)(3) The department shall provide to prospective participants a choice of participating in a community diversion pilot project or any other appropriate placement available. To the extent possible, individuals shall be allowed to choose their care providers, including long-term care service providers affiliated with an individual's religious faith or denomination.

(7)(4) The department shall enroll participants. Providers shall not directly enroll participants in community diversion pilot projects.

~~(5) In selecting the pilot project area, the department shall consider the following factors in the area:~~

- (a) ~~The nursing home occupancy level.~~
- (b) ~~The number of certificates of need awarded for nursing home beds for which renovation, expansion, or construction has not begun.~~
- (c) ~~The annual number of additional nursing home beds.~~
- (d) ~~The annual number of nursing home admissions.~~
- (e) ~~The adequacy of community-based long-term care service providers.~~

(8)(6) The department may require participants to contribute to their cost of care in an amount not to exceed the cost-sharing required of Medicaid-eligible nursing home residents.

(9)(7) Community diversion pilot projects must:

- (a) Provide services for participants that are of sufficient quality, quantity, type, and duration to prevent or delay nursing facility placement.
- (b) Integrate acute and long-term care services, and the funding sources for such services, as feasible.
- (c) Encourage individuals, families, and communities to plan for their long-term care needs.
- (d) Provide skilled and intermediate nursing facility care for participants who cannot be adequately cared for in noninstitutional settings.

Section 10. Paragraph (b) of subsection (2) of section 1004.445, Florida Statutes, is amended to read:

1004.445 Florida Alzheimer's Center and Research Institute.—

(2)

(b)1. The affairs of the not-for-profit corporation shall be managed by a board of directors who shall serve without compensation. The board of directors shall consist of the President of the University of South Florida and the chair of the State Board of Education, or their designees, 5 representatives of the state universities, and no fewer than 9 nor more than 14 representatives of the public who are neither medical doctors

nor state employees. Each director who is a representative of a state university or of the public shall be appointed to serve a term of 3 years. The chair of the board of directors shall be selected by a majority vote of the directors. Each director shall have only one vote.

2. The initial board of directors shall consist of the President of the University of South Florida and the chair of the State Board of Education, or their designees; the five university representatives, of whom one shall be appointed by the Governor, two by the President of the Senate, and two by the Speaker of the House of Representatives; and nine public representatives, of whom three shall be appointed by the Governor, three by the President of the Senate, and three by the Speaker of the House of Representatives.

3. Upon the expiration of the terms of the initial appointed directors, all directors subject to 3-year terms of office under this paragraph shall be appointed by a majority vote of the directors. ~~and~~

4. The board may be expanded to include additional public representative directors up to the maximum number allowed. *Additional members may be added by a majority vote of the directors.*

5. Any vacancy in office shall be filled for the remainder of the term by majority vote of the directors. Any director may be reappointed.

And the title is amended as follows:

On page 2, line 20 through page 3, line 7, delete those lines and insert: Legislature; amending s. 430.502, F.S.; establishing a memory disorder clinic at a hospital in Pinellas County; amending s. 430.7031, F.S.; requiring the department and the agency to review the case files of a specified percentage of Medicaid nursing home residents annually for the purpose of determining whether the residents are able to move to community placements; amending s. 430.705, F.S.; providing additional eligibility requirements for entities that provide services under the long-term-care community diversion pilot projects; requiring the annual evaluation and certification of capitation rates; providing additional requirements to be used in developing capitation rates for the pilot projects; amending s. 1004.445, F.S.; providing for appointment of additional members to the board of the Florida Alzheimer's Center and Research Institute; providing an effective date.

On motion by Senator Saunders, further consideration of **CS for SB 1226** with pending **Amendment 4 (952608)** was deferred.

On motion by Senator Constantine—

CS for SB 1588—A bill to be entitled An act relating to specialty license plates; amending s. 320.08053, F.S.; increasing the number of motor vehicle owners who must indicate, according to a scientific sample survey, that they intend to purchase a proposed specialty plate; defining the term “scientific sample survey”; amending s. 320.08056, F.S.; changing the number of plates that must be purchased to prevent a plate from being discontinued; providing an effective date.

—was read the second time by title.

Senator Constantine moved the following amendments which were adopted:

Amendment 1 (954992)(with title amendment)—On page 1, line 15 through page 2, line 13, delete those lines and insert:

Section 1. Section 320.08053, Florida Statutes, is amended to read:

320.08053 Requirements for requests to establish specialty license plates.—

(1) An organization that seeks authorization to establish a new specialty license plate for which an annual use fee is to be charged must submit to the department:

(a) A request for the particular specialty license plate being sought, describing the proposed specialty license plate in *specific general* terms, including a sample plate that conforms to the specifications set by the department and this chapter, and that is in substantially final form.

(b) The results of a scientific sample survey of Florida motor vehicle owners that indicates at least 30,000 ~~15,000~~ motor vehicle owners intend

to purchase the proposed specialty license plate at the increased cost. As used in this paragraph, the term “scientific sample survey” means information that is gathered from a representative subset of the population as a whole. The sample survey of registered motor vehicle owners must be performed independently of the requesting organization by an organization that conducts similar sample surveys as a normal course of business. Prior to conducting a sample survey for the purposes of this section, a requesting organization must obtain a determination from the department that the organization selected to conduct the survey performs similar surveys as a normal course of business and is independent of the requesting organization. *The methodology, results, and any evaluation by the department of the scientific sample survey shall be validated by the Auditor General as a condition precedent to submission of the specialty license plate for approval by the Legislature.*

(c) An application fee, not to exceed \$60,000, to defray the department's cost for reviewing the application and developing the specialty license plate, if authorized. State funds may not be used to pay the application fee, except for collegiate specialty license plates authorized in s. 320.08058(3) and (13). The specialty license plate application provisions of this act shall not apply to any organization which has requested and received the required forms for obtaining a specialty license plate authorization from the Department of Highway Safety and Motor Vehicles, has opened a bank account for the funds collected for the specialty license tag and has made deposits to such an account, and has obtained signatures toward completing the requirements for the specialty license tag. All applications requested on or after the effective date of this act must meet the requirements of this act.

(d) A marketing strategy outlining short-term and long-term marketing plans for the requested specialty license plate and a financial analysis outlining the anticipated revenues and the planned expenditures of the revenues to be derived from the sale of the requested specialty license plates.

The information required under this subsection must be submitted to the department at least 90 days before the convening of the next regular session of the Legislature.

(2) If the specialty license plate requested by the organization is approved by law, the organization must submit the proposed art design for the specialty license plate to the department, *in a medium prescribed by the department*, as soon as practicable, but no later than 60 days after the act approving the specialty license plate becomes a law. If the specialty license plate requested by the organization is not approved by the Legislature, the application fee shall be refunded to the requesting organization.

(3) *The department shall adopt rules providing viewpoint-neutral specifications for the design of specialty license plates that promote or enhance the readability of all specialty license plates and that discourage counterfeiting. The rules shall provide uniform specifications requiring inclusion of the word “Florida” in the same location on each specialty license plate, in such a size and location that is clearly identifiable on the specialty license plate when mounted on a vehicle, and shall provide specifications for the size and location of any words or logos appearing on a specialty license plate.*

And the title is amended as follows:

On page 1, lines 3-8 delete those lines and insert: amending s. 320.08053, F.S.; revising requirements for establishing a specialty license plate; requiring submission of a sample plate; increasing the number of motor vehicle owners who must indicate, according to a scientific sample survey, that they intend to purchase a proposed specialty plate; defining the term “scientific sample survey”; requiring the Department of Highway Safety and Motor Vehicles to adopt rules relating to design specification for specialty license plates; amending s. 320.08056, F.S.;

Amendment 2 (961890)(with title amendment)—On page 2, lines 14-16, delete those lines and insert:

Section 2. Subsections (6), (7) and (8) of section 320.08056, Florida Statutes, are amended to read:

320.08056 Specialty license plates.—

(6) Specialty license plates must bear the design required by law for the appropriate specialty license plate, and the designs and colors must conform to the department's design specifications ~~be approved by the~~

department. In addition to a design, the specialty license plates may bear the imprint of numerals from 1 to 999, inclusive, capital letters "A" through "Z," or a combination thereof. The department shall determine the maximum number of characters, including both numerals and letters. All specialty license plates must be otherwise of the same material and size as standard license plates issued for any registration period. ~~In small letters, the word "Florida" must appear at either the bottom or top of the plate, depending upon the design. In addition, A specialty license plate may bear an appropriate slogan, emblem, or logo in a size and placement that conforms to the department's design specifications.~~

(7) The department shall annually retain from the first proceeds derived from the annual use fees collected an amount sufficient to defray each specialty plate's pro rata share of the department's costs directly related to the specialty license plate program issuing the specialty plate. Such costs shall include inventory costs, distribution costs, direct costs to the department, costs associated with reviewing each organization's compliance with audit and attestation requirements of s. 320.08062, and any applicable increased costs of manufacturing the specialty license plate. Any cost increase to the department related to actual cost of the plate, including a reasonable vendor profit, shall be verified by the Department of Management Services. The balance of the proceeds from the annual use fees collected for that specialty license plate shall be distributed as provided by law.

And the title is amended as follows:

On page 1, lines 9-11, delete those lines and insert: revising design requirements; revising conditions and procedures for the discontinuation of specialty license plates; providing an effective date.

Amendment 3 (163446)(with title amendment)—On page 3, between lines 12 and 13, insert:

Section 3. *The Department of Highway Safety and Motor Vehicles shall, in cooperation with representatives of the local tax collectors and with Prison Rehabilitative Industries and Diversified Enterprises, Inc., at Union Correctional Facility, study the operational and economic feasibility of direct-to-customer delivery of specialty license plates. The study shall include, but not be limited to, an analysis of the potential operational and economic impact of various manufacturing, inventory control, and product distribution technologies on the specialty license plate program. The department shall report its findings to the President of the Senate and the Speaker of the House of Representatives no later than December 31, 2004.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 11, after the semicolon (;) insert: requiring the department, in cooperation with local tax collectors and the Prison Rehabilitative Industries and Diversified Enterprises, Inc., to study the possibility of using direct-to-customer distribution; requiring an analysis of the impact of certain technologies; requiring the department to report its findings to the Legislature;

Pursuant to Rule 4.19, **CS for SB 1588** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB's 2346 and 516** was deferred.

On motion by Senator Peaden—

CS for CS for SB 1280—A bill to be entitled An act relating to the Department of Children and Family Services; amending s. 20.19, F.S.; removing the developmental disabilities program from the Department of Children and Family Services; creating s. 20.197, F.S.; establishing the Agency for Persons with Disabilities for the purpose of providing services to persons with developmental disabilities, including institutional services; directing the agency to execute interagency agreements with the Agency for Health Care Administration for the financial management of the Medicaid waivers and the Department of Children and Family Services for administrative support; amending s. 393.063, F.S.; updating definitions and deleting obsolete definitions; amending s. 393.064, F.S.; deleting requirements that the agency's legislative budget

request include funding for prevention; amending s. 393.0655, F.S.; requiring level 2 screening for specified service providers; amending s. 393.066, F.S.; removing requirement that services be administered and approved by the districts; modifying a requirement to provide certain services; deleting a requirement for a 5-year plan relating to community-based services; adding a requirement to assist clients in gaining employment; repealing obsolete requirement authorizing the state to lease or construct residential facilities; deleting authorization to adopt rules ensuring compliance with federal rules; amending s. 393.0661, F.S.; deleting an obsolete provision; modifying provisions relating to an assessment instrument; adding requirements for adoption of rate methodologies; amending s. 393.068, F.S.; making service provision subject to available resources; updating list of services to be provided; deleting provision referring to 5-year plans; amending s. 393.0695, F.S.; requiring in-home subsidy amounts to be reassessed annually; amending s. 393.11, F.S.; deleting provisions referring to districts, department programs, and the nonexistent Department of Labor and Employment Security; amending s. 393.13, F.S.; deleting obsolete provisions; adding legislative intent relating to reducing the use of sheltered workshops; amending s. 393.17, F.S.; authorizing the agency to contract for the certification of behavioral analysts; deleting provisions relating to a certification program and provisions allowing fees; amending s. 393.22, F.S.; deleting prohibition preventing transfer of funds and ensuring financial commitment for specified developmental conditions; amending s. 393.502, F.S.; removing reference to districts; deleting a provision permitting appointment of family care council members if the Governor does not act; amending ss. 408.301, 408.302, F.S.; amending legislative intent to add the Agency for Persons with Disabilities and the Department of Elderly Affairs as agencies that the Agency for Health Care Administration must enter into interagency agreement with regarding persons with special needs; amending s. 409.906, F.S.; clarifying powers of the Agency for Health Care Administration with respect to limiting coverage for certain services; repealing s. 393.14, F.S.; requiring a multi-year plan; repealing s. 393.165, F.S., relating to ICF/DDs; repealing s. 393.166, F.S., relating to homes for special services; repealing s. 393.505, F.S., relating to comprehensive day treatment service projects; transferring programs and institutions relating to developmental disabilities from the Department of Children and Family Services to the Agency for Persons with Disabilities; providing duties of those agencies as well as the Department of Management Services; providing for substitution of parties in administrative and judicial proceedings; providing duties of the Office of Program Policy Analysis and Government Accountability; providing for a report; amending ss. 92.53, 397.405, 400.464, 409.906, 419.001, 914.16, 914.17, 918.16, F.S.; conforming cross-references; amending s. 393.067, F.S.; conforming to changes made by the act; providing that a license issued to a residential facility or a comprehensive transitional education program does not create a property right in the recipient; amending ss. 393.0641, 393.065, 393.0651, 393.0673, 393.0675, 393.0678, 393.071, 393.075, 393.115, 393.12, 393.125, 393.15, 393.501, 393.503, 393.506, F.S.; creating ss. 393.135, 394.4593, and 916.1075, F.S.; defining the terms "employee," "sexual activity," and "sexual misconduct"; providing that it is a second-degree felony for an employee to engage in sexual misconduct with certain developmentally disabled clients, certain mental health patients, or certain forensic clients; providing certain exceptions; requiring certain employees to report sexual misconduct to the central abuse hotline of the department and to law enforcement; providing for notification to the inspector general of the department or agency; providing that it is a first-degree misdemeanor to knowingly and willfully fail to make a report as required, or to prevent another from doing so, or to submit inaccurate or untruthful information; providing that it is a third-degree felony to coerce or threaten another person to alter testimony or a report with respect to an incident of sexual misconduct; providing criminal penalties; providing that the penalties are in addition to other actions provided in law; amending s. 435.03, F.S.; expanding level 1 screening standards to include criminal offenses related to sexual misconduct with certain developmentally disabled clients, mental health patients, or forensic clients and the reporting of such sexual misconduct; amending s. 435.04, F.S.; expanding level 2 screening standards to include the offenses related to sexual misconduct with certain developmentally disabled clients, mental health patients, or forensic clients and the reporting of such sexual misconduct; amending s. 943.0585, F.S., relating to court-ordered expunction of criminal history records, for the purpose of incorporating the amendment to s. 943.059, F.S., in a reference thereto; providing that certain criminal history records relating to sexual misconduct with developmentally disabled clients, mental health patients, or forensic clients, or the reporting of such sexual misconduct, shall not be expunged; providing that the application for eligibility for expunction certify that

the criminal history record does not relate to an offense involving sexual misconduct with certain developmentally disabled clients, mental health patients, or forensic clients, or the reporting of such sexual misconduct; conforming cross-references; amending s. 943.059, F.S., relating to court-ordered sealing of criminal history records, for the purpose of incorporating the amendment to s. 943.0585, F.S., in a reference thereto; providing that certain criminal history records relating to sexual misconduct with developmentally disabled clients, mental health patients, or forensic clients, or the reporting of such sexual misconduct, shall not be sealed; providing that the application for eligibility for sealing certify that the criminal history record does not relate to an offense involving sexual misconduct with certain developmentally disabled clients, mental health patients, or forensic clients, or the reporting of such sexual misconduct; conforming cross-references; authorizing the Department of Children and Family Services' Economic Self-Sufficiency Services Program Office to provide the eligibility determination function through department staff or through contract; providing restrictions; conforming to the changes made by the act; providing an effective date.

—was read the second time by title.

Senator Peaden moved the following amendments which were adopted:

Amendment 1 (810476)—On page 18, lines 18-21, delete those lines and insert: client by a person licensed pursuant to the provisions of chapter 458, chapter 459, or chapter 466. Such services may include, but are not limited to, prescription drugs, specialized therapies, nursing

Amendment 2 (304346)—On page 20, line 14, delete “in a residential habilitation center”

Amendment 3 (700986)(with title amendment)—On page 33, line 3, after the period (.) insert:

(3) *A provider of services rendered to persons with developmental disabilities pursuant to a federally approved waiver shall be reimbursed according to a rate methodology based on an analysis of the expenditure history and prospective costs of providers participating in the waiver program, or under any other methodology developed by the Agency for Health Care Administration, in consultation with the Agency for Persons with Disabilities, and approved by the federal government in accordance with the waiver.*

(4) *Pending the adoption of rate methodologies by non-emergency rulemaking pursuant to s. 120.54, the Agency for Health Care Administration may at any time adopt emergency rules pursuant to s. 120.54(4) in order to comply with subsection (5). In adopting such emergency rules, the agency need not make the findings required by s. 120.54(4)(a), and such rules shall be exempt from time limitations provided in s. 120.54(4)(c) and remain in effect until replaced by another emergency rule or the non-emergency adoption of the rate methodology.*

(5) *Nothing in this section or rule shall be construed to prevent or limit the Agency for Health Care Administration, in consultation with the Agency for Persons with Disabilities, from adjusting fees, limiting enrollment, reimbursement rates, lengths of stay, number of visits, number of services, or making any other adjustment necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act. If at any time based upon an analysis by the Agency for Health Care Administration, in consultation with the Agency for Persons with Disabilities, the cost of Home and Community-Based waiver services are expected to exceed the appropriated amount, the Agency for Health Care Administration may implement any adjustment, including provider rate reductions, within 30 days in order to remain within the appropriation.*

And the title is amended as follows:

On page 2, line 7, after the first semicolon (;) insert: authorizing the Agency for Disabled Persons to enter into certain contracts; providing for reimbursement to certain providers of services to the developmentally disabled pursuant to a methodology; requiring the Agency for Health Care Administration, in consultation with the Agency for Persons with Disabilities, to adopt rules related to such methodology; authorizing the Agency for Health Care Administration to adopt emergency rules in certain circumstances; limiting the applicability of such emergency rules; authorizing the Agency for Health Care Administration, in consultation with the Agency for Persons with Disabilities, to make certain adjustments necessary to comply with the availability of appropriations;

Amendment 4 (313564)(with title amendment)—On page 56, line 16, after the period (.) insert: *If at any time, based upon an analysis by the agency, the cost of waiver services are expected to exceed the appropriated amount, the agency may implement any adjustment, including provider rate reductions, within 30 days in order to remain within the appropriation following publication of such adjustment as provided in s. 120.55.*

And the title is amended as follows:

On page 3, line 9, after the semicolon (;) insert: authorizing the agency to implement necessary adjustments to remain within appropriations;

Senator Cowin moved the following amendment which was adopted:

Amendment 5 (823992)(with title amendment)—On page 60, lines 10-18, delete those lines and insert: the appropriate license fee.

And the title is amended as follows:

On page 3, line 31 through page 4, line 3, delete those lines and insert: amending ss.

Senator Peaden moved the following amendment which was adopted:

Amendment 6 (135396)(with title amendment)—On page 120, lines 3-19, delete those lines and insert:

Section 51. Paragraph (a) of subsection (2) of section 400.215, Florida Statutes, is amended, and paragraphs (b) and (c) of subsection (2) and subsection (3) of that section are reenacted for the purpose of incorporating the amendments to sections 435.03 and 435.04, Florida Statutes, in references thereto, to read:

400.215 Personnel screening requirement.—

(2) Employers and employees shall comply with the requirements of s. 435.05.

(a) Notwithstanding the provisions of s. 435.05(1), facilities must have in their possession evidence that level 1 screening has been completed before allowing an employee to begin working with patients as provided in subsection (1). All information necessary for conducting background screening using level 1 standards as specified in s. 435.03(4) shall be submitted by the nursing facility to the agency. Results of the background screening shall be provided by the agency to the requesting nursing facility.

(b) Employees qualified under the provisions of paragraph (a) who have not maintained continuous residency within the state for the 5 years immediately preceding the date of request for background screening must complete level 2 screening, as provided in chapter 435. Such employees may work in a conditional status up to 180 days pending the receipt of written findings evidencing the completion of level 2 screening. Level 2 screening shall not be required of employees or prospective employees who attest in writing under penalty of perjury that they meet the residency requirement. Completion of level 2 screening shall require the employee or prospective employee to furnish to the nursing facility a full set of fingerprints to enable a criminal background investigation to be conducted. The nursing facility shall submit the completed fingerprint card to the agency. The agency shall establish a record of the request in the database provided for in paragraph (c) and forward the request to the Department of Law Enforcement, which is authorized to submit the fingerprints to the Federal Bureau of Investigation for a national criminal history records check. The results of the national criminal history records check shall be returned to the agency, which shall maintain the results in the database provided for in paragraph (c). The agency shall notify the administrator of the requesting nursing facility or the administrator of any other facility licensed under chapter 393, chapter 394, chapter 395, chapter 397, or this chapter, as requested by such facility, as to whether or not the employee has qualified under level 1 or level 2 screening. An employee or prospective employee who has qualified under level 2 screening and has maintained such continuous residency within the state shall not be required to complete a subsequent level 2 screening as a condition of employment at another facility.

(c) The agency shall establish and maintain a database of background screening information which shall include the results of both level 1 and level 2 screening. The Department of Law Enforcement shall

timely provide to the agency, electronically, the results of each statewide screening for incorporation into the database. The agency shall, upon request from any facility, agency, or program required by or authorized by law to screen its employees or applicants, notify the administrator of the facility, agency, or program of the qualifying or disqualifying status of the employee or applicant named in the request.

(3) The applicant is responsible for paying the fees associated with obtaining the required screening. Payment for the screening shall be submitted to the agency. The agency shall establish a schedule of fees to cover the costs of level 1 and level 2 screening. Facilities may reimburse employees for these costs. The Department of Law Enforcement shall charge the agency for a level 1 or level 2 screening a rate sufficient to cover the costs of such screening pursuant to s. 943.053(3). The agency shall, as allowable, reimburse nursing facilities for the cost of conducting background screening as required by this section. This reimbursement will not be subject to any rate ceilings or payment targets in the Medicaid Reimbursement plan.

Section 52. For the purpose of incorporating the amendments to sections 435.03 and 435.04, Florida Statutes, in references thereto, subsections (1) and (2) of section 400.964, Florida Statutes, are reenacted, and subsection (7) of that section is amended and reenacted, to read:

400.964 Personnel screening requirement.—

(1) The agency shall require level 2 background screening as provided in chapter 435 for all employees or prospective employees of facilities licensed under this part who are expected to be, or whose responsibilities are such that they would be considered to be, a direct service provider.

(2) Employers and employees shall comply with the requirements of chapter 435.

(7) All employees must comply with the requirements of this section by October 1, 2000. A person employed by a facility licensed pursuant to this part as of the effective date of this act is not required to submit to rescreening if the facility has in its possession written evidence that the person has been screened and qualified according to level 1 standards as specified in s. 435.03(4). Any current employee who meets the level 1 requirement but does not meet the 5-year residency requirement must provide to the employing facility written attestation under penalty of perjury that the employee has not been convicted of a disqualifying offense in another state or jurisdiction. All applicants hired on or after October 1, 1999, must comply with the requirements of this section.

Section 53. For the purposes of incorporating the amendment to section 435.04, Florida Statutes, in references thereto, paragraph (a) of subsection (1) of section 435.045, Florida Statutes, is amended and reenacted to read:

435.045 Requirements for placement of dependent children.—

(1)(a) Unless an election provided for in subsection (2) is made with respect to the state, the department is authorized to conduct criminal records checks equivalent to the level 2 screening required in s. 435.04(4) for any person being considered by the department for placement of a child subject to a placement decision pursuant to chapter 39. Approval shall not be granted:

1. In any case in which a record check reveals a felony conviction for child abuse, abandonment, or neglect; for spousal abuse; for a crime against children, including child pornography, or for a crime involving violence, including rape, sexual assault, or homicide but not including other physical assault or battery, if the department finds that a court of competent jurisdiction has determined that the felony was committed at any time; and

2. In any case in which a record check reveals a felony conviction for physical assault, battery, or a drug-related offense, if the department finds that a court of competent jurisdiction has determined that the felony was committed within the past 5 years.

Section 54. For the purpose of incorporating the amendment to sections 435.03 and 435.04, Florida Statutes, in references thereto, paragraphs (f) and (g) of subsection (1) of section 400.414, Florida Statutes, are reenacted to read:

400.414 Denial, revocation, or suspension of license; imposition of administrative fine; grounds.—

(1) The agency may deny, revoke, or suspend any license issued under this part, or impose an administrative fine in the manner provided in chapter 120, for any of the following actions by an assisted living facility, for the actions of any person subject to level 2 background screening under s. 400.4174, or for the actions of any facility employee:

(f) A determination that a person subject to level 2 background screening under s. 400.4174(1) does not meet the screening standards of s. 435.04 or that the facility is retaining an employee subject to level 1 background screening standards under s. 400.4174(2) who does not meet the screening standards of s. 435.03 and for whom exemptions from disqualification have not been provided by the agency.

(g) A determination that an employee, volunteer, administrator, or owner, or person who otherwise has access to the residents of a facility does not meet the criteria specified in s. 435.03(2), and the owner or administrator has not taken action to remove the person. Exemptions from disqualification may be granted as set forth in s. 435.07. No administrative action may be taken against the facility if the person is granted an exemption.

Administrative proceedings challenging agency action under this subsection shall be reviewed on the basis of the facts and conditions that resulted in the agency action.

Section 55. For the purpose of incorporating the amendment to sections 435.03 and 435.04, Florida Statutes, in references thereto, section 400.4174, Florida Statutes, is reenacted to read:

400.4174 Background screening; exemptions.—

(1)(a) Level 2 background screening must be conducted on each of the following persons, who shall be considered employees for the purposes of conducting screening under chapter 435:

1. The facility owner if an individual, the administrator, and the financial officer.

2. An officer or board member if the facility owner is a firm, corporation, partnership, or association, or any person owning 5 percent or more of the facility if the agency has probable cause to believe that such person has been convicted of any offense prohibited by s. 435.04. For each officer, board member, or person owning 5 percent or more who has been convicted of any such offense, the facility shall submit to the agency a description and explanation of the conviction at the time of license application. This subparagraph does not apply to a board member of a not-for-profit corporation or organization if the board member serves solely in a voluntary capacity, does not regularly take part in the day-to-day operational decisions of the corporation or organization, receives no remuneration for his or her services, and has no financial interest and has no family members with a financial interest in the corporation or organization, provided that the board member and facility submit a statement affirming that the board member's relationship to the facility satisfies the requirements of this subparagraph.

(b) Proof of compliance with level 2 screening standards which has been submitted within the previous 5 years to meet any facility or professional licensure requirements of the agency or the Department of Health satisfies the requirements of this subsection, provided that such proof is accompanied, under penalty of perjury, by an affidavit of compliance with the provisions of chapter 435. Proof of compliance with the background screening requirements of the Financial Services Commission and the Office of Insurance Regulation for applicants for a certificate of authority to operate a continuing care retirement community under chapter 651, submitted within the last 5 years, satisfies the Department of Law Enforcement and Federal Bureau of Investigation portions of a level 2 background check.

(c) The agency may grant a provisional license to a facility applying for an initial license when each individual required by this subsection to undergo screening has completed the Department of Law Enforcement background checks, but has not yet received results from the Federal Bureau of Investigation, or when a request for an exemption from disqualification has been submitted to the agency pursuant to s. 435.07, but a response has not been issued.

(2) The owner or administrator of an assisted living facility must conduct level 1 background screening, as set forth in chapter 435, on all employees hired on or after October 1, 1998, who perform personal services as defined in s. 400.402(17). The agency may exempt an individual from employment disqualification as set forth in chapter 435. Such persons shall be considered as having met this requirement if:

(a) Proof of compliance with level 1 screening requirements obtained to meet any professional license requirements in this state is provided and accompanied, under penalty of perjury, by a copy of the person's current professional license and an affidavit of current compliance with the background screening requirements.

(b) The person required to be screened has been continuously employed in the same type of occupation for which the person is seeking employment without a breach in service which exceeds 180 days, and proof of compliance with the level 1 screening requirement which is no more than 2 years old is provided. Proof of compliance shall be provided directly from one employer or contractor to another, and not from the person screened. Upon request, a copy of screening results shall be provided by the employer retaining documentation of the screening to the person screened.

(c) The person required to be screened is employed by a corporation or business entity or related corporation or business entity that owns, operates, or manages more than one facility or agency licensed under this chapter, and for whom a level 1 screening was conducted by the corporation or business entity as a condition of initial or continued employment.

Section 56. For the purpose of incorporating the amendment to sections 435.03 and 435.04, Florida Statutes, in references thereto, paragraphs (a), (b), (c), (d), (f), and (g) of subsection (4) of section 400.509, Florida Statutes, are reenacted to read:

400.509 Registration of particular service providers exempt from licensure; certificate of registration; regulation of registrants.—

(4) Each applicant for registration must comply with the following requirements:

(a) Upon receipt of a completed, signed, and dated application, the agency shall require background screening, in accordance with the level 1 standards for screening set forth in chapter 435, of every individual who will have contact with the client. The agency shall require background screening of the managing employee or other similarly titled individual who is responsible for the operation of the entity, and of the financial officer or other similarly titled individual who is responsible for the financial operation of the entity, including billings for client services in accordance with the level 2 standards for background screening as set forth in chapter 435.

(b) The agency may require background screening of any other individual who is affiliated with the applicant if the agency has a reasonable basis for believing that he or she has been convicted of a crime or has committed any other offense prohibited under the level 2 standards for screening set forth in chapter 435.

(c) Proof of compliance with the level 2 background screening requirements of chapter 435 which has been submitted within the previous 5 years in compliance with any other health care or assisted living licensure requirements of this state is acceptable in fulfillment of paragraph (a).

(d) A provisional registration may be granted to an applicant when each individual required by this section to undergo background screening has met the standards for the abuse-registry background check through the agency and the Department of Law Enforcement background check, but the agency has not yet received background screening results from the Federal Bureau of Investigation. A standard registration may be granted to the applicant upon the agency's receipt of a report of the results of the Federal Bureau of Investigation background screening for each individual required by this section to undergo background screening which confirms that all standards have been met, or upon the granting of a disqualification exemption by the agency as set forth in chapter 435. Any other person who is required to undergo level 2 background screening may serve in his or her capacity pending the agency's receipt of the report from the Federal Bureau of Investigation. However, the person may not continue to serve if the report indicates any violation

of background screening standards and if a disqualification exemption has not been requested of and granted by the agency as set forth in chapter 435.

(f) Each applicant must submit to the agency a description and explanation of any conviction of an offense prohibited under the level 2 standards of chapter 435 which was committed by a member of the board of directors of the applicant, its officers, or any individual owning 5 percent or more of the applicant. This requirement does not apply to a director of a not-for-profit corporation or organization who serves solely in a voluntary capacity for the corporation or organization, does not regularly take part in the day-to-day operational decisions of the corporation or organization, receives no remuneration for his or her services on the corporation's or organization's board of directors, and has no financial interest and no family members having a financial interest in the corporation or organization, if the director and the not-for-profit corporation or organization include in the application a statement affirming that the director's relationship to the corporation satisfies the requirements of this paragraph.

(g) A registration may not be granted to an applicant if the applicant or managing employee has been found guilty of, regardless of adjudication, or has entered a plea of nolo contendere or guilty to, any offense prohibited under the level 2 standards for screening set forth in chapter 435, unless an exemption from disqualification has been granted by the agency as set forth in chapter 435.

Section 57. For the purpose of incorporating the amendment to sections 435.03 and 435.04, Florida Statutes, in references thereto, paragraph (c) of subsection (2) of section 400.556, Florida Statutes, is reenacted to read:

400.556 Denial, suspension, revocation of license; administrative fines; investigations and inspections.—

(2) Each of the following actions by the owner of an adult day care center or by its operator or employee is a ground for action by the agency against the owner of the center or its operator or employee:

(c) A failure of persons subject to level 2 background screening under s. 400.4174(1) to meet the screening standards of s. 435.04, or the retention by the center of an employee subject to level 1 background screening standards under s. 400.4174(2) who does not meet the screening standards of s. 435.03 and for whom exemptions from disqualification have not been provided by the agency.

Section 58. For the purpose of incorporating the amendment to sections 435.03 and 435.04, Florida Statutes, in references thereto, subsections (1), (2), and (4) of section 400.6065, Florida Statutes, are reenacted to read:

400.6065 Background screening.—

(1) Upon receipt of a completed application under s. 400.606, the agency shall require level 2 background screening on each of the following persons, who shall be considered employees for the purposes of conducting screening under chapter 435:

(a) The hospice administrator and financial officer.

(b) An officer or board member if the hospice is a firm, corporation, partnership, or association, or any person owning 5 percent or more of the hospice if the agency has probable cause to believe that such officer, board member, or owner has been convicted of any offense prohibited by s. 435.04. For each officer, board member, or person owning 5 percent or more who has been convicted of any such offense, the hospice shall submit to the agency a description and explanation of the conviction at the time of license application. This paragraph does not apply to a board member of a not-for-profit corporation or organization if the board member serves solely in a voluntary capacity, does not regularly take part in the day-to-day operational decisions of the corporation or organization, receives no remuneration for his or her services, and has no financial interest and no family members with a financial interest in the corporation or organization, provided that the board member and the corporation or organization submit a statement affirming that the board member's relationship to the corporation or organization satisfies the requirements of this paragraph.

(2) Proof of compliance with level 2 screening standards which has been submitted within the previous 5 years to meet any facility or profes-

sional licensure requirements of the agency or the Department of Health satisfies the requirements of this section.

(4) The agency shall require employment or contractor screening as provided in chapter 435, using the level 1 standards for screening set forth in that chapter, for hospice personnel.

Section 59. For the purpose of incorporating the amendment to sections 435.03 and 435.04, Florida Statutes, in references thereto, paragraphs (a), (b), (c), (d), (f), and (g) of subsection (4) of section 400.980, Florida Statutes, are reenacted to read:

400.980 Health care services pools.—

(4) Each applicant for registration must comply with the following requirements:

(a) Upon receipt of a completed, signed, and dated application, the agency shall require background screening, in accordance with the level 1 standards for screening set forth in chapter 435, of every individual who will have contact with patients. The agency shall require background screening of the managing employee or other similarly titled individual who is responsible for the operation of the entity, and of the financial officer or other similarly titled individual who is responsible for the financial operation of the entity, including billings for services in accordance with the level 2 standards for background screening as set forth in chapter 435.

(b) The agency may require background screening of any other individual who is affiliated with the applicant if the agency has a reasonable basis for believing that he or she has been convicted of a crime or has committed any other offense prohibited under the level 2 standards for screening set forth in chapter 435.

(c) Proof of compliance with the level 2 background screening requirements of chapter 435 which has been submitted within the previous 5 years in compliance with any other health care or assisted living licensure requirements of this state is acceptable in fulfillment of paragraph (a).

(d) A provisional registration may be granted to an applicant when each individual required by this section to undergo background screening has met the standards for the Department of Law Enforcement background check but the agency has not yet received background screening results from the Federal Bureau of Investigation. A standard registration may be granted to the applicant upon the agency's receipt of a report of the results of the Federal Bureau of Investigation background screening for each individual required by this section to undergo background screening which confirms that all standards have been met, or upon the granting of a disqualification exemption by the agency as set forth in chapter 435. Any other person who is required to undergo level 2 background screening may serve in his or her capacity pending the agency's receipt of the report from the Federal Bureau of Investigation. However, the person may not continue to serve if the report indicates any violation of background screening standards and if a disqualification exemption has not been requested of and granted by the agency as set forth in chapter 435.

(f) Each applicant must submit to the agency a description and explanation of any conviction of an offense prohibited under the level 2 standards of chapter 435 which was committed by a member of the board of directors of the applicant, its officers, or any individual owning 5 percent or more of the applicant. This requirement does not apply to a director of a not-for-profit corporation or organization who serves solely in a voluntary capacity for the corporation or organization, does not regularly take part in the day-to-day operational decisions of the corporation or organization, receives no remuneration for his or her services on the corporation's or organization's board of directors, and has no financial interest and no family members having a financial interest in the corporation or organization, if the director and the not-for-profit corporation or organization include in the application a statement affirming that the director's relationship to the corporation satisfies the requirements of this paragraph.

(g) A registration may not be granted to an applicant if the applicant or managing employee has been found guilty of, regardless of adjudication, or has entered a plea of nolo contendere or guilty to, any offense prohibited under the level 2 standards for screening set forth in chapter

435, unless an exemption from disqualification has been granted by the agency as set forth in chapter 435.

Section 60. For the purpose of incorporating the amendment to sections 435.03 and 435.04, Florida Statutes, in references thereto, paragraph (k) of subsection (2) of section 409.175, Florida Statutes, is reenacted to read:

409.175 Licensure of family foster homes, residential child-caring agencies, and child-placing agencies; public records exemption.—

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

(k) "Screening" means the act of assessing the background of personnel and includes, but is not limited to, employment history checks as provided in chapter 435, using the level 2 standards for screening set forth in that chapter. Screening for employees and volunteers in summer day camps and summer 24-hour camps and screening for all volunteers included under the definition of "personnel" shall be conducted as provided in chapter 435, using the level 1 standards set forth in that chapter.

Section 61. For the purpose of incorporating the amendment to sections 435.03 and 435.04, Florida Statutes, in references thereto, paragraph (d) of subsection (8) of section 409.907, Florida Statutes, is reenacted to read:

409.907 Medicaid provider agreements.—The agency may make payments for medical assistance and related services rendered to Medicaid recipients only to an individual or entity who has a provider agreement in effect with the agency, who is performing services or supplying goods in accordance with federal, state, and local law, and who agrees that no person shall, on the grounds of handicap, race, color, or national origin, or for any other reason, be subjected to discrimination under any program or activity for which the provider receives payment from the agency.

(8)

(d) Proof of compliance with the requirements of level 2 screening under s. 435.04 conducted within 12 months prior to the date that the Medicaid provider application is submitted to the agency shall fulfill the requirements of this subsection. Proof of compliance with the requirements of level 1 screening under s. 435.03 conducted within 12 months prior to the date that the Medicaid provider application is submitted to the agency shall meet the requirement that the Department of Law Enforcement conduct a state criminal history record check.

Section 62. For the purpose of incorporating the amendment to sections 435.03 and 435.04, Florida Statutes, in references thereto, subsections (1) and (3) of section 435.05, Florida Statutes, are reenacted to read:

435.05 Requirements for covered employees.—Except as otherwise provided by law, the following requirements shall apply to covered employees:

(1)(a) Every person employed in a position for which employment screening is required must, within 5 working days after starting to work, submit to the employer a complete set of information necessary to conduct a screening under this section.

(b) For level 1 screening, the employer must submit the information necessary for screening to the Florida Department of Law Enforcement within 5 working days after receiving it. The Florida Department of Law Enforcement will conduct a search of its records and will respond to the employer agency. The employer will inform the employee whether screening has revealed any disqualifying information.

(c) For level 2 screening, the employer or licensing agency must submit the information necessary for screening to the Florida Department of Law Enforcement within 5 working days after receiving it. The Florida Department of Law Enforcement will conduct a search of its criminal and juvenile records and will request that the Federal Bureau of Investigation conduct a search of its records for each employee for whom the request is made. The Florida Department of Law Enforcement will respond to the employer or licensing agency, and the employer or licensing agency will inform the employee whether screening has revealed disqualifying information.

(d) The person whose background is being checked must supply any missing criminal or other necessary information to the employer within 30 days after the employer makes a request for the information or be subject to automatic disqualification.

(3) Each employer required to conduct level 2 background screening must sign an affidavit annually, under penalty of perjury, stating that all covered employees have been screened or are newly hired and are awaiting the results of the required screening checks.

Section 63. For the purpose of incorporating the amendment to sections 435.03 and 435.04, Florida Statutes, in references thereto, section 744.3135, Florida Statutes, as amended by chapter 2003-402, Laws of Florida, is reenacted to read:

744.3135 Credit and criminal investigation.—The court may require a nonprofessional guardian and shall require a professional or public guardian, and all employees of a professional guardian who have a fiduciary responsibility to a ward, to submit, at their own expense, to an investigation of the guardian's credit history and to undergo level 2 background screening as required under s. 435.04. The clerk of the court shall obtain fingerprint cards from the Federal Bureau of Investigation and make them available to guardians. Any guardian who is so required shall have his or her fingerprints taken and forward the proper fingerprint card along with the necessary fee to the Florida Department of Law Enforcement for processing. The professional guardian shall pay to the clerk of the court a fee of up to \$7.50 for handling and processing professional guardian files. The results of the fingerprint checks shall be forwarded to the clerk of court who shall maintain the results in a guardian file and shall make the results available to the court. If credit or criminal investigations are required, the court must consider the results of the investigations in appointing a guardian. Professional guardians and all employees of a professional guardian who have a fiduciary responsibility to a ward, so appointed, must resubmit, at their own expense, to an investigation of credit history, and undergo level 1 background screening as required under s. 435.03, at least every 2 years after the date of their appointment. At any time, the court may require guardians or their employees to submit to an investigation of credit history and undergo level 1 background screening as required under s. 435.03. The court must consider the results of these investigations in reappointing a guardian. This section shall not apply to a professional guardian, or to the employees of a professional guardian, that is a trust company, a state banking corporation or state savings association authorized and qualified to exercise fiduciary powers in this state, or a national banking association or federal savings and loan association authorized and qualified to exercise fiduciary powers in this state.

Section 64. For the purpose of incorporating the amendment to sections 435.03 and 435.04, Florida Statutes, in references thereto, subsection (2) of section 985.04, Florida Statutes, is reenacted to read:

985.04 Oaths; records; confidential information.—

(2) Records maintained by the Department of Juvenile Justice, including copies of records maintained by the court, which pertain to a child found to have committed a delinquent act which, if committed by an adult, would be a crime specified in ss. 435.03 and 435.04 may not be destroyed pursuant to this section for a period of 25 years after the youth's final referral to the department, except in cases of the death of the child. Such records, however, shall be sealed by the court for use only in meeting the screening requirements for personnel in s. 402.3055 and the other sections cited above, or pursuant to departmental rule; however, current criminal history information must be obtained from the Department of Law Enforcement in accordance with s. 943.053. The information shall be released to those persons specified in the above cited sections for the purposes of complying with those sections. The court may punish by contempt any person who releases or uses the records for any unauthorized purpose.

Section 65. For the purpose of incorporating the amendment to section 435.03, Florida Statutes, in references thereto, section 400.512, Florida Statutes, is reenacted to read:

400.512 Screening of home health agency personnel; nurse registry personnel; and companions and homemakers.—The agency shall require employment or contractor screening as provided in chapter 435, using the level 1 standards for screening set forth in that chapter, for home health agency personnel; persons referred for employment by nurse reg-

istries; and persons employed by companion or homemaker services registered under s. 400.509.

(1)(a) The Agency for Health Care Administration may, upon request, grant exemptions from disqualification from employment or contracting under this section as provided in s. 435.07, except for health care practitioners licensed by the Department of Health or a regulatory board within that department.

(b) The appropriate regulatory board within the Department of Health, or that department itself when there is no board, may, upon request of the licensed health care practitioner, grant exemptions from disqualification from employment or contracting under this section as provided in s. 435.07.

(2) The administrator of each home health agency, the managing employee of each nurse registry, and the managing employee of each companion or homemaker service registered under s. 400.509 must sign an affidavit annually, under penalty of perjury, stating that all personnel hired, contracted with, or registered on or after October 1, 1994, who enter the home of a patient or client in their service capacity have been screened and that its remaining personnel have worked for the home health agency or registrant continuously since before October 1, 1994.

(3) As a prerequisite to operating as a home health agency, nurse registry, or companion or homemaker service under s. 400.509, the administrator or managing employee, respectively, must submit to the agency his or her name and any other information necessary to conduct a complete screening according to this section. The agency shall submit the information to the Department of Law Enforcement for state processing. The agency shall review the record of the administrator or manager with respect to the offenses specified in this section and shall notify the owner of its findings. If disposition information is missing on a criminal record, the administrator or manager, upon request of the agency, must obtain and supply within 30 days the missing disposition information to the agency. Failure to supply missing information within 30 days or to show reasonable efforts to obtain such information will result in automatic disqualification.

(4) Proof of compliance with the screening requirements of chapter 435 shall be accepted in lieu of the requirements of this section if the person has been continuously employed or registered without a breach in service that exceeds 180 days, the proof of compliance is not more than 2 years old, and the person has been screened by the Department of Law Enforcement. A home health agency, nurse registry, or companion or homemaker service registered under s. 400.509 shall directly provide proof of compliance to another home health agency, nurse registry, or companion or homemaker service registered under s. 400.509. The recipient home health agency, nurse registry, or companion or homemaker service registered under s. 400.509 may not accept any proof of compliance directly from the person who requires screening. Proof of compliance with the screening requirements of this section shall be provided upon request to the person screened by the home health agencies; nurse registries; or companion or homemaker services registered under s. 400.509.

(5) There is no monetary liability on the part of, and no cause of action for damages arises against, a licensed home health agency, licensed nurse registry, or companion or homemaker service registered under s. 400.509, that, upon notice that the employee or contractor has been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense prohibited under s. 435.03 or under any similar statute of another jurisdiction, terminates the employee or contractor, whether or not the employee or contractor has filed for an exemption with the agency in accordance with chapter 435 and whether or not the time for filing has expired.

(6) The costs of processing the statewide correspondence criminal records checks must be borne by the home health agency; the nurse registry; or the companion or homemaker service registered under s. 400.509, or by the person being screened, at the discretion of the home health agency, nurse registry, or s. 400.509 registrant.

(7)(a) It is a misdemeanor of the first degree, punishable under s. 775.082 or s. 775.083, for any person willfully, knowingly, or intentionally to:

1. Fail, by false statement, misrepresentation, impersonation, or other fraudulent means, to disclose in any application for voluntary or

paid employment a material fact used in making a determination as to such person's qualifications to be an employee under this section;

2. Operate or attempt to operate an entity licensed or registered under this part with persons who do not meet the minimum standards for good moral character as contained in this section; or

3. Use information from the criminal records obtained under this section for any purpose other than screening that person for employment as specified in this section or release such information to any other person for any purpose other than screening for employment under this section.

(b) It is a felony of the third degree, punishable under s. 775.082, s. 775.083, or s. 775.084, for any person willfully, knowingly, or intentionally to use information from the juvenile records of a person obtained under this section for any purpose other than screening for employment under this section.

Section 66. For the purpose of incorporating the amendment to section 435.03, Florida Statutes, in references thereto, subsection (4) of section 400.619, Florida Statutes, is reenacted to read:

400.619 Licensure application and renewal.—

(4) Upon receipt of a completed license application or license renewal, and the fee, the agency shall initiate a level 1 background screening as provided under chapter 435 on the adult family-care home provider, the designated relief person, all adult household members, and all staff members. The agency shall conduct an onsite visit to the home that is to be licensed.

(a) Proof of compliance with level 1 screening standards which has been submitted within the previous 5 years to meet any facility or professional licensure requirements of the agency or the Department of Health satisfies the requirements of this subsection. Such proof must be accompanied, under penalty of perjury, by a copy of the person's current professional license and an affidavit of current compliance with the background screening requirements.

(b) The person required to be screened must have been continuously employed in the same type of occupation for which the person is seeking employment without a breach in service that exceeds 180 days, and proof of compliance with the level 1 screening requirement which is no more than 2 years old must be provided. Proof of compliance shall be provided directly from one employer or contractor to another, and not from the person screened. Upon request, a copy of screening results shall be provided to the person screened by the employer retaining documentation of the screening.

Section 67. For the purpose of incorporating the amendment to section 435.03, Florida Statutes, in references thereto, subsection (1) of section 400.6194, Florida Statutes, is reenacted to read:

400.6194 Denial, revocation, or suspension of a license.—The agency may deny, suspend, or revoke a license for any of the following reasons:

(1) Failure of any of the persons required to undergo background screening under s. 400.619 to meet the level 1 screening standards of s. 435.03, unless an exemption from disqualification has been provided by the agency.

Section 68. For the purpose of incorporating the amendment to section 435.03, Florida Statutes, in references thereto, section 400.953, Florida Statutes, is reenacted to read:

400.953 Background screening of home medical equipment provider personnel.—The agency shall require employment screening as provided in chapter 435, using the level 1 standards for screening set forth in that chapter, for home medical equipment provider personnel.

(1) The agency may grant exemptions from disqualification from employment under this section as provided in s. 435.07.

(2) The general manager of each home medical equipment provider must sign an affidavit annually, under penalty of perjury, stating that all home medical equipment provider personnel hired on or after July 1, 1999, who enter the home of a patient in the capacity of their employment have been screened and that its remaining personnel have worked

for the home medical equipment provider continuously since before July 1, 1999.

(3) Proof of compliance with the screening requirements of s. 110.1127, s. 393.0655, s. 394.4572, s. 397.451, s. 402.305, s. 402.313, s. 409.175, s. 464.008, or s. 985.407 or this part must be accepted in lieu of the requirements of this section if the person has been continuously employed in the same type of occupation for which he or she is seeking employment without a breach in service that exceeds 180 days, the proof of compliance is not more than 2 years old, and the person has been screened by the Department of Law Enforcement. An employer or contractor shall directly provide proof of compliance to another employer or contractor, and a potential employer or contractor may not accept any proof of compliance directly from the person requiring screening. Proof of compliance with the screening requirements of this section shall be provided, upon request, to the person screened by the home medical equipment provider.

(4) There is no monetary liability on the part of, and no cause of action for damages arising against, a licensed home medical equipment provider that, upon notice that an employee has been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense prohibited under s. 435.03 or under any similar statute of another jurisdiction, terminates the employee, whether or not the employee has filed for an exemption with the agency and whether or not the time for filing has expired.

(5) The costs of processing the statewide correspondence criminal records checks must be borne by the home medical equipment provider or by the person being screened, at the discretion of the home medical equipment provider.

(6) Neither the agency nor the home medical equipment provider may use the criminal records or juvenile records of a person for any purpose other than determining whether that person meets minimum standards of good moral character for home medical equipment provider personnel.

(7)(a) It is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, for any person willfully, knowingly, or intentionally to:

1. Fail, by false statement, misrepresentation, impersonation, or other fraudulent means, to disclose in any application for paid employment a material fact used in making a determination as to the person's qualifications to be an employee under this section;

2. Operate or attempt to operate an entity licensed under this part with persons who do not meet the minimum standards for good moral character as contained in this section; or

3. Use information from the criminal records obtained under this section for any purpose other than screening that person for employment as specified in this section, or release such information to any other person for any purpose other than screening for employment under this section.

(b) It is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, for any person willfully, knowingly, or intentionally to use information from the juvenile records of a person obtained under this section for any purpose other than screening for employment under this section.

Section 69. For the purpose of incorporating the amendment to section 435.03, Florida Statutes, in references thereto, subsection (32) of section 409.912, Florida Statutes, is reenacted to read:

409.912 Cost-effective purchasing of health care.—The agency shall purchase goods and services for Medicaid recipients in the most cost-effective manner consistent with the delivery of quality medical care. The agency shall maximize the use of prepaid per capita and prepaid aggregate fixed-sum basis services when appropriate and other alternative service delivery and reimbursement methodologies, including competitive bidding pursuant to s. 287.057, designed to facilitate the cost-effective purchase of a case-managed continuum of care. The agency shall also require providers to minimize the exposure of recipients to the need for acute inpatient, custodial, and other institutional care and the inappropriate or unnecessary use of high-cost services. The agency may establish prior authorization requirements for certain populations of

Medicaid beneficiaries, certain drug classes, or particular drugs to prevent fraud, abuse, overuse, and possible dangerous drug interactions. The Pharmaceutical and Therapeutics Committee shall make recommendations to the agency on drugs for which prior authorization is required. The agency shall inform the Pharmaceutical and Therapeutics Committee of its decisions regarding drugs subject to prior authorization.

(32) Each managed care plan that is under contract with the agency to provide health care services to Medicaid recipients shall annually conduct a background check with the Florida Department of Law Enforcement of all persons with ownership interest of 5 percent or more or executive management responsibility for the managed care plan and shall submit to the agency information concerning any such person who has been found guilty of, regardless of adjudication, or has entered a plea of nolo contendere or guilty to, any of the offenses listed in s. 435.03.

Section 70. For the purpose of incorporating the amendment to section 435.03, Florida Statutes, in references thereto, subsection (4) of section 435.07, Florida Statutes, is reenacted to read:

435.07 Exemptions from disqualification.—Unless otherwise provided by law, the provisions of this section shall apply to exemptions from disqualification.

(4) Disqualification from employment under subsection (1) may not be removed from, nor may an exemption be granted to, any personnel who is found guilty of, regardless of adjudication, or who has entered a plea of nolo contendere or guilty to, any felony covered by s. 435.03 solely by reason of any pardon, executive clemency, or restoration of civil rights.

Section 71. For the purpose of incorporating the amendment to section 435.03, Florida Statutes, in references thereto, paragraph (e) of subsection (1) of section 464.018, Florida Statutes, is reenacted to read:

464.018 Disciplinary actions.—

(1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2):

(e) Having been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense prohibited under s. 435.03 or under any similar statute of another jurisdiction; or having committed an act which constitutes domestic violence as defined in s. 741.28.

Section 72. For the purpose of incorporating the amendment to section 435.03, Florida Statutes, in references thereto, subsection (3) of section 744.309, Florida Statutes, is reenacted to read:

744.309 Who may be appointed guardian of a resident ward.—

(3) **DISQUALIFIED PERSONS.**—No person who has been convicted of a felony or who, from any incapacity or illness, is incapable of discharging the duties of a guardian, or who is otherwise unsuitable to perform the duties of a guardian, shall be appointed to act as guardian. Further, no person who has been judicially determined to have committed abuse, abandonment, or neglect against a child as defined in s. 39.01 or s. 984.03(1), (2), and (37), or who has been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense prohibited under s. 435.03 or under any similar statute of another jurisdiction, shall be appointed to act as a guardian. Except as provided in subsection (5) or subsection (6), a person who provides substantial services to the proposed ward in a professional or business capacity, or a creditor of the proposed ward, may not be appointed guardian and retain that previous professional or business relationship. A person may not be appointed a guardian if he or she is in the employ of any person, agency, government, or corporation that provides service to the proposed ward in a professional or business capacity, except that a person so employed may be appointed if he or she is the spouse, adult child, parent, or sibling of the proposed ward or the court determines that the potential conflict of interest is insubstantial and that the appointment would clearly be in the proposed ward's best interest. The court may not appoint a guardian in any other circumstance in which a conflict of interest may occur.

Section 73. For the purpose of incorporating the amendment to section 435.03, Florida Statutes, in references thereto, subsection (12) of section 744.474, Florida Statutes, is reenacted to read:

744.474 Reasons for removal of guardian.—A guardian may be removed for any of the following reasons, and the removal shall be in addition to any other penalties prescribed by law:

(12) Having been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense prohibited under s. 435.03 or under any similar statute of another jurisdiction.

Section 74. For the purpose of incorporating the amendment to section 435.03, Florida Statutes, in references thereto, subsection (4) of section 985.407, Florida Statutes, is reenacted to read:

985.407 Departmental contracting powers; personnel standards and screening.—

(4) The department shall require employment screening pursuant to chapter 435, using the level 1 standards for screening set forth in that chapter, for personnel in delinquency facilities, services, and programs.

Section 75. For the purpose of incorporating the amendment to section 435.04, Florida Statutes, in references thereto, paragraph (b) of subsection (2) of section 39.001, Florida Statutes, is reenacted to read:

39.001 Purposes and intent; personnel standards and screening.—

(2) **DEPARTMENT CONTRACTS.**—The department may contract with the Federal Government, other state departments and agencies, county and municipal governments and agencies, public and private agencies, and private individuals and corporations in carrying out the purposes of, and the responsibilities established in, this chapter.

(b) The department shall require employment screening, and rescreening no less frequently than once every 5 years, pursuant to chapter 435, using the level 2 standards set forth in that chapter for personnel in programs for children or youths.

Section 76. For the purpose of incorporating the amendment to section 435.04, Florida Statutes, in references thereto, subsection (1) of section 39.821, Florida Statutes, is reenacted to read:

39.821 Qualifications of guardians ad litem.—

(1) Because of the special trust or responsibility placed in a guardian ad litem, the Guardian Ad Litem Program may use any private funds collected by the program, or any state funds so designated, to conduct a security background investigation before certifying a volunteer to serve. A security background investigation must include, but need not be limited to, employment history checks, checks of references, local criminal records checks through local law enforcement agencies, and statewide criminal records checks through the Department of Law Enforcement. Upon request, an employer shall furnish a copy of the personnel record for the employee or former employee who is the subject of a security background investigation conducted under this section. The information contained in the personnel record may include, but need not be limited to, disciplinary matters and the reason why the employee was terminated from employment. An employer who releases a personnel record for purposes of a security background investigation is presumed to have acted in good faith and is not liable for information contained in the record without a showing that the employer maliciously falsified the record. A security background investigation conducted under this section must ensure that a person is not certified as a guardian ad litem if the person has been convicted of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense prohibited under the provisions of the Florida Statutes specified in s. 435.04(2) or under any similar law in another jurisdiction. Before certifying an applicant to serve as a guardian ad litem, the chief judge of the circuit court may request a federal criminal records check of the applicant through the Federal Bureau of Investigation. In analyzing and evaluating the information obtained in the security background investigation, the program must give particular emphasis to past activities involving children, including, but not limited to, child-related criminal offenses or child abuse. The program has the sole discretion in determining whether to certify a person based on his or her security background investigation. The information collected pursuant to the security background investigation is confidential and exempt from s. 119.07(1).

Section 77. For the purpose of incorporating the amendment to section 435.04, Florida Statutes, in references thereto, paragraphs (a) and (c) of subsection (3) of section 110.1127, Florida Statutes, are reenacted to read:

110.1127 Employee security checks.—

(3)(a) All positions in programs providing care to children, the developmentally disabled, or vulnerable adults for 15 hours or more per week; all permanent and temporary employee positions of the central abuse hotline; and all persons working under contract who have access to abuse records are deemed to be persons and positions of special trust or responsibility, and require employment screening pursuant to chapter 435, using the level 2 standards set forth in that chapter.

(c) All persons and employees in such positions of trust or responsibility shall be required to undergo security background investigations as a condition of employment and continued employment. For the purposes of this subsection, security background investigations shall be conducted as provided in chapter 435, using the level 2 standards for screening set forth in that chapter.

Section 78. For the purpose of incorporating the amendment to section 435.04, Florida Statutes, in references thereto, paragraph (a) of subsection (12) of section 112.0455, Florida Statutes, is reenacted to read:

112.0455 Drug-Free Workplace Act.—

(12) DRUG-TESTING STANDARDS; LABORATORIES.—

(a) A laboratory may analyze initial or confirmation drug specimens only if:

1. The laboratory is licensed and approved by the Agency for Health Care Administration using criteria established by the United States Department of Health and Human Services as general guidelines for modeling the state drug testing program. Each applicant for licensure must comply with the following requirements:

a. Upon receipt of a completed, signed, and dated application, the agency shall require background screening, in accordance with the level 2 standards for screening set forth in chapter 435, of the managing employee, or other similarly titled individual responsible for the daily operation of the laboratory, and of the financial officer, or other similarly titled individual who is responsible for the financial operation of the laboratory, including billings for services. The applicant must comply with the procedures for level 2 background screening as set forth in chapter 435, as well as the requirements of s. 435.03(3).

b. The agency may require background screening of any other individual who is an applicant if the agency has probable cause to believe that he or she has been convicted of an offense prohibited under the level 2 standards for screening set forth in chapter 435.

c. Proof of compliance with the level 2 background screening requirements of chapter 435 which has been submitted within the previous 5 years in compliance with any other health care licensure requirements of this state is acceptable in fulfillment of screening requirements.

d. A provisional license may be granted to an applicant when each individual required by this section to undergo background screening has met the standards for the Department of Law Enforcement background check, but the agency has not yet received background screening results from the Federal Bureau of Investigation, or a request for a disqualification exemption has been submitted to the agency as set forth in chapter 435, but a response has not yet been issued. A license may be granted to the applicant upon the agency's receipt of a report of the results of the Federal Bureau of Investigation background screening for each individual required by this section to undergo background screening which confirms that all standards have been met, or upon the granting of a disqualification exemption by the agency as set forth in chapter 435. Any other person who is required to undergo level 2 background screening may serve in his or her capacity pending the agency's receipt of the report from the Federal Bureau of Investigation. However, the person may not continue to serve if the report indicates any violation of background screening standards and a disqualification exemption has not been requested of and granted by the agency as set forth in chapter 435.

e. Each applicant must submit to the agency, with its application, a description and explanation of any exclusions, permanent suspensions, or terminations of the applicant from the Medicare or Medicaid programs. Proof of compliance with the requirements for disclosure of ownership and control interests under the Medicaid or Medicare programs shall be accepted in lieu of this submission.

f. Each applicant must submit to the agency a description and explanation of any conviction of an offense prohibited under the level 2 standards of chapter 435 by a member of the board of directors of the applicant, its officers, or any individual owning 5 percent or more of the applicant. This requirement does not apply to a director of a not-for-profit corporation or organization if the director serves solely in a voluntary capacity for the corporation or organization, does not regularly take part in the day-to-day operational decisions of the corporation or organization, receives no remuneration for his or her services on the corporation or organization's board of directors, and has no financial interest and has no family members with a financial interest in the corporation or organization, provided that the director and the not-for-profit corporation or organization include in the application a statement affirming that the director's relationship to the corporation satisfies the requirements of this sub-subparagraph.

g. A license may not be granted to any applicant if the applicant or managing employee has been found guilty of, regardless of adjudication, or has entered a plea of nolo contendere or guilty to, any offense prohibited under the level 2 standards for screening set forth in chapter 435, unless an exemption from disqualification has been granted by the agency as set forth in chapter 435.

h. The agency may deny or revoke licensure if the applicant:

(I) Has falsely represented a material fact in the application required by sub-subparagraph e. or sub-subparagraph f., or has omitted any material fact from the application required by sub-subparagraph e. or sub-subparagraph f.; or

(II) Has had prior action taken against the applicant under the Medicaid or Medicare program as set forth in sub-subparagraph e.

i. An application for license renewal must contain the information required under sub-subparagraphs e. and f.

2. The laboratory has written procedures to ensure chain of custody.

3. The laboratory follows proper quality control procedures, including, but not limited to:

a. The use of internal quality controls including the use of samples of known concentrations which are used to check the performance and calibration of testing equipment, and periodic use of blind samples for overall accuracy.

b. An internal review and certification process for drug test results, conducted by a person qualified to perform that function in the testing laboratory.

c. Security measures implemented by the testing laboratory to preclude adulteration of specimens and drug test results.

d. Other necessary and proper actions taken to ensure reliable and accurate drug test results.

Section 79. For the purpose of incorporating the amendment to section 435.04, Florida Statutes, in references thereto, subsections (1), (2), and (4) of section 381.0059, Florida Statutes, are reenacted to read:

381.0059 Background screening requirements for school health services personnel.—

(1) Pursuant to the provisions of chapter 435, any person who provides services under a school health services plan pursuant to s. 381.0056 must meet level 2 screening requirements as described in s. 435.04. A person may satisfy the requirements of this subsection by submitting proof of compliance with the requirements of level 2 screening conducted within 12 months before the date that person initially provides services under a school health services plan.

(2) A person may provide services under a school health services plan pursuant to s. 381.0056 prior to the completion of level 2 screening. However, pending the results of the screening, such person may not be alone with a minor.

(4) Under penalty of perjury, each person who provides services under a school health plan pursuant to s. 381.0056 must attest to meeting the level 2 screening requirements for participation under the plan

and agree to inform his or her employer immediately if convicted of any disqualifying offense while providing services under a plan.

Section 80. For the purpose of incorporating the amendment to section 435.04, Florida Statutes, in references thereto, paragraphs (a), (b), (c), (d), (f), and (g) of subsection (1) of section 381.60225, Florida Statutes, are reenacted to read:

381.60225 Background screening.—

(1) Each applicant for certification must comply with the following requirements:

(a) Upon receipt of a completed, signed, and dated application, the Agency for Health Care Administration shall require background screening, in accordance with the level 2 standards for screening set forth in chapter 435, of the managing employee, or other similarly titled individual responsible for the daily operation of the organization, agency, or entity, and financial officer, or other similarly titled individual who is responsible for the financial operation of the organization, agency, or entity, including billings for services. The applicant must comply with the procedures for level 2 background screening as set forth in chapter 435, as well as the requirements of s. 435.03(3).

(b) The Agency for Health Care Administration may require background screening of any other individual who is an applicant if the Agency for Health Care Administration has probable cause to believe that he or she has been convicted of a crime or has committed any other offense prohibited under the level 2 standards for screening set forth in chapter 435.

(c) Proof of compliance with the level 2 background screening requirements of chapter 435 which has been submitted within the previous 5 years in compliance with any other health care licensure requirements of this state is acceptable in fulfillment of the requirements of paragraph (a).

(d) A provisional certification may be granted to the organization, agency, or entity when each individual required by this section to undergo background screening has met the standards for the Department of Law Enforcement background check, but the agency has not yet received background screening results from the Federal Bureau of Investigation, or a request for a disqualification exemption has been submitted to the agency as set forth in chapter 435, but a response has not yet been issued. A standard certification may be granted to the organization, agency, or entity upon the agency's receipt of a report of the results of the Federal Bureau of Investigation background screening for each individual required by this section to undergo background screening which confirms that all standards have been met, or upon the granting of a disqualification exemption by the agency as set forth in chapter 435. Any other person who is required to undergo level 2 background screening may serve in his or her capacity pending the agency's receipt of the report from the Federal Bureau of Investigation. However, the person may not continue to serve if the report indicates any violation of background screening standards and a disqualification exemption has not been requested of and granted by the agency as set forth in chapter 435.

(f) Each applicant must submit to the agency a description and explanation of any conviction of an offense prohibited under the level 2 standards of chapter 435 by a member of the board of directors of the applicant, its officers, or any individual owning 5 percent or more of the applicant. This requirement does not apply to a director of a not-for-profit corporation or organization if the director serves solely in a voluntary capacity for the corporation or organization, does not regularly take part in the day-to-day operational decisions of the corporation or organization, receives no remuneration for his or her services on the corporation or organization's board of directors, and has no financial interest and has no family members with a financial interest in the corporation or organization, provided that the director and the not-for-profit corporation or organization include in the application a statement affirming that the director's relationship to the corporation satisfies the requirements of this paragraph.

(g) The agency may not certify any organization, agency, or entity if any applicant or managing employee has been found guilty of, regardless of adjudication, or has entered a plea of nolo contendere or guilty to, any offense prohibited under the level 2 standards for screening set forth in chapter 435, unless an exemption from disqualification has been granted by the agency as set forth in chapter 435.

Section 81. For the purpose of incorporating the amendment to section 435.04, Florida Statutes, in references thereto, paragraphs (a), (b), (c), (d), (f), and (g) of subsection (7) of section 383.305, Florida Statutes, are reenacted to read:

383.305 Licensure; issuance, renewal, denial, suspension, revocation; fees; background screening.—

(7) Each applicant for licensure must comply with the following requirements:

(a) Upon receipt of a completed, signed, and dated application, the agency shall require background screening, in accordance with the level 2 standards for screening set forth in chapter 435, of the managing employee, or other similarly titled individual who is responsible for the daily operation of the center, and of the financial officer, or other similarly titled individual who is responsible for the financial operation of the center, including billings for patient care and services. The applicant must comply with the procedures for level 2 background screening as set forth in chapter 435 as well as the requirements of s. 435.03(3).

(b) The agency may require background screening of any other individual who is an applicant if the agency has probable cause to believe that he or she has been convicted of a crime or has committed any other offense prohibited under the level 2 standards for screening set forth in chapter 435.

(c) Proof of compliance with the level 2 background screening requirements of chapter 435 which has been submitted within the previous 5 years in compliance with any other health care licensure requirements of this state is acceptable in fulfillment of the requirements of paragraph (a).

(d) A provisional license may be granted to an applicant when each individual required by this section to undergo background screening has met the standards for the Department of Law Enforcement background check, but the agency has not yet received background screening results from the Federal Bureau of Investigation, or a request for a disqualification exemption has been submitted to the agency as set forth in chapter 435 but a response has not yet been issued. A standard license may be granted to the applicant upon the agency's receipt of a report of the results of the Federal Bureau of Investigation background screening for each individual required by this section to undergo background screening which confirms that all standards have been met, or upon the granting of a disqualification exemption by the agency as set forth in chapter 435. Any other person who is required to undergo level 2 background screening may serve in his or her capacity pending the agency's receipt of the report from the Federal Bureau of Investigation. However, the person may not continue to serve if the report indicates any violation of background screening standards and a disqualification exemption has not been requested of and granted by the agency as set forth in chapter 435.

(f) Each applicant must submit to the agency a description and explanation of any conviction of an offense prohibited under the level 2 standards of chapter 435 by a member of the board of directors of the applicant, its officers, or any individual owning 5 percent or more of the applicant. This requirement does not apply to a director of a not-for-profit corporation or organization if the director serves solely in a voluntary capacity for the corporation or organization, does not regularly take part in the day-to-day operational decisions of the corporation or organization, receives no remuneration for his or her services on the corporation or organization's board of directors, and has no financial interest and has no family members with a financial interest in the corporation or organization, provided that the director and the not-for-profit corporation or organization include in the application a statement affirming that the director's relationship to the corporation satisfies the requirements of this paragraph.

(g) A license may not be granted to an applicant if the applicant or managing employee has been found guilty of, regardless of adjudication, or has entered a plea of nolo contendere or guilty to, any offense prohibited under the level 2 standards for screening set forth in chapter 435, unless an exemption from disqualification has been granted by the agency as set forth in chapter 435.

Section 82. For the purpose of incorporating the amendment to section 435.04, Florida Statutes, in references thereto, paragraphs (a), (b),

(c), (d), (f), and (g) of subsection (3) of section 390.015, Florida Statutes, are reenacted to read:

390.015 Application for license.—

(3) Each applicant for licensure must comply with the following requirements:

(a) Upon receipt of a completed, signed, and dated application, the agency shall require background screening, in accordance with the level 2 standards for screening set forth in chapter 435, of the managing employee, or other similarly titled individual who is responsible for the daily operation of the clinic, and financial officer, or other similarly titled individual who is responsible for the financial operation of the clinic, including billings for patient care and services. The applicant must comply with the procedures for level 2 background screening as set forth in chapter 435, as well as the requirements of s. 435.03(3).

(b) The agency may require background screening of any other individual who is an applicant if the agency has probable cause to believe that he or she has been convicted of a crime or has committed any other offense prohibited under the level 2 standards for screening set forth in chapter 435.

(c) Proof of compliance with the level 2 background screening requirements of chapter 435 which has been submitted within the previous 5 years in compliance with any other health care licensure requirements of this state is acceptable in fulfillment of the requirements of paragraph (a).

(d) A provisional license may be granted to an applicant when each individual required by this section to undergo background screening has met the standards for the Department of Law Enforcement background check, but the agency has not yet received background screening results from the Federal Bureau of Investigation, or a request for a disqualification exemption has been submitted to the agency as set forth in chapter 435 but a response has not yet been issued. A standard license may be granted to the applicant upon the agency's receipt of a report of the results of the Federal Bureau of Investigation background screening for each individual required by this section to undergo background screening which confirms that all standards have been met, or upon the granting of a disqualification exemption by the agency as set forth in chapter 435. Any other person who is required to undergo level 2 background screening may serve in his or her capacity pending the agency's receipt of the report from the Federal Bureau of Investigation. However, the person may not continue to serve if the report indicates any violation of background screening standards and a disqualification exemption has not been requested of and granted by the agency as set forth in chapter 435.

(f) Each applicant must submit to the agency a description and explanation of any conviction of an offense prohibited under the level 2 standards of chapter 435 by a member of the board of directors of the applicant, its officers, or any individual owning 5 percent or more of the applicant. This requirement does not apply to a director of a not-for-profit corporation or organization if the director serves solely in a voluntary capacity for the corporation or organization, does not regularly take part in the day-to-day operational decisions of the corporation or organization, receives no remuneration for his or her services on the corporation or organization's board of directors, and has no financial interest and has no family members with a financial interest in the corporation or organization, provided that the director and the not-for-profit corporation or organization include in the application a statement affirming that the director's relationship to the corporation satisfies the requirements of this paragraph.

(g) A license may not be granted to an applicant if the applicant or managing employee has been found guilty of, regardless of adjudication, or has entered a plea of nolo contendere or guilty to, any offense prohibited under the level 2 standards for screening set forth in chapter 435, unless an exemption from disqualification has been granted by the agency as set forth in chapter 435.

Section 83. Paragraph (a) of subsection (1) of section 394.4572, Florida Statutes, is amended to read:

394.4572 Screening of mental health personnel.—

(1)(a) The department and the Agency for Health Care Administration shall require employment screening for mental health personnel using the standards for level 2 screening set forth in chapter 435. "Mental health personnel" includes all program directors, professional clinicians, staff members, and volunteers working in public or private mental health programs and facilities who have direct contact with unmarried patients under the age of 18 years. *For the purpose of this chapter, employment screening of mental health personnel also includes, but is not limited to, employment history checks as provided in chapter 435.*

Section 84. For the purpose of incorporating the amendment to section 435.04, Florida Statutes, in references thereto, paragraphs (a), (b), (c), (d), (f), and (g) of subsection (13) of section 394.875, Florida Statutes, are reenacted to read:

394.875 Crisis stabilization units, residential treatment facilities, and residential treatment centers for children and adolescents; authorized services; license required; penalties.—

(13) Each applicant for licensure must comply with the following requirements:

(a) Upon receipt of a completed, signed, and dated application, the agency shall require background screening, in accordance with the level 2 standards for screening set forth in chapter 435, of the managing employee and financial officer, or other similarly titled individual who is responsible for the financial operation of the facility, including billings for client care and services. The applicant must comply with the procedures for level 2 background screening as set forth in chapter 435, as well as the requirements of s. 435.03(3).

(b) The agency may require background screening of any other individual who is an applicant if the agency has probable cause to believe that he or she has been convicted of a crime or has committed any other offense prohibited under the level 2 standards for screening set forth in chapter 435.

(c) Proof of compliance with the level 2 background screening requirements of chapter 435 which has been submitted within the previous 5 years in compliance with any other health care licensure requirements of this state is acceptable in fulfillment of the requirements of paragraph (a).

(d) A provisional license may be granted to an applicant when each individual required by this section to undergo background screening has met the standards for the Department of Law Enforcement background check, but the agency has not yet received background screening results from the Federal Bureau of Investigation, or a request for a disqualification exemption has been submitted to the agency as set forth in chapter 435, but a response has not yet been issued. A standard license may be granted to the applicant upon the agency's receipt of a report of the results of the Federal Bureau of Investigation background screening for each individual required by this section to undergo background screening which confirms that all standards have been met, or upon the granting of a disqualification exemption by the agency as set forth in chapter 435. Any other person who is required to undergo level 2 background screening may serve in his or her capacity pending the agency's receipt of the report from the Federal Bureau of Investigation. However, the person may not continue to serve if the report indicates any violation of background screening standards and a disqualification exemption has not been requested of and granted by the agency as set forth in chapter 435.

(f) Each applicant must submit to the agency a description and explanation of any conviction of an offense prohibited under the level 2 standards of chapter 435 by a member of the board of directors of the applicant, its officers, or any individual owning 5 percent or more of the applicant. This requirement does not apply to a director of a not-for-profit corporation or organization if the director serves solely in a voluntary capacity for the corporation or organization, does not regularly take part in the day-to-day operational decisions of the corporation or organization, receives no remuneration for his or her services on the corporation or organization's board of directors, and has no financial interest and has no family members with a financial interest in the corporation or organization, provided that the director and the not-for-profit corporation or organization include in the application a statement affirming that the director's relationship to the corporation satisfies the requirements of this paragraph.

(g) A license may not be granted to an applicant if the applicant or managing employee has been found guilty of, regardless of adjudication, or has entered a plea of nolo contendere or guilty to, any offense prohibited under the level 2 standards for screening set forth in chapter 435, unless an exemption from disqualification has been granted by the agency as set forth in chapter 435.

Section 85. For the purpose of incorporating the amendment to section 435.04, Florida Statutes, in references thereto, subsections (1), (2), (3), (4), (6), and (8) of section 395.0055, Florida Statutes, are reenacted to read:

395.0055 Background screening.—Each applicant for licensure must comply with the following requirements:

(1) Upon receipt of a completed, signed, and dated application, the agency shall require background screening of the managing employee in accordance with the level 2 standards for screening set forth in chapter 435, as well as the requirements of s. 435.03(3).

(2) The agency may require background screening for a member of the board of directors of the licensee, or an officer or an individual owning 5 percent or more of the licensee, if the agency has probable cause to believe that such individual has been convicted of an offense prohibited under the level 2 standards for screening set forth in chapter 435.

(3) Proof of compliance with the level 2 background screening requirements of chapter 435 which has been submitted within the previous 5 years in compliance with any other health care licensure requirements of this state is acceptable in fulfillment of subsection (1).

(4) A provisional license may be granted to an applicant when each individual required by this section to undergo background screening has met the standards for the Department of Law Enforcement background check, but the agency has not yet received background screening results from the Federal Bureau of Investigation, or a request for a disqualification exemption has been submitted to the agency as set forth in chapter 435 but a response has not yet been issued. A standard license may be granted to the applicant upon the agency's receipt of a report of the results of the Federal Bureau of Investigation background screening for each individual required by this section to undergo background screening which confirms that all standards have been met, or upon the granting of a disqualification exemption by the agency as set forth in chapter 435. Any other person who is required to undergo level 2 background screening may serve in his or her capacity pending the agency's receipt of the report from the Federal Bureau of Investigation; however, the person may not continue to serve if the report indicates any violation of background screening standards and a disqualification exemption has not been requested of and granted by the agency as set forth in chapter 435.

(6) Each applicant must submit to the agency a description and explanation of any conviction of an offense prohibited under the level 2 standards of chapter 435 by a member of the board of directors of the applicant, its officers, or any individual owning 5 percent or more of the applicant.

(8) A license may not be granted to an applicant if the applicant or managing employee has been found guilty of, regardless of adjudication, or has entered a plea of nolo contendere or guilty to, any offense prohibited under the level 2 standards for screening set forth in chapter 435, unless an exemption from disqualification has been granted by the agency as set forth in chapter 435.

Section 86. For the purpose of incorporating the amendment to section 435.04, Florida Statutes, in references thereto, paragraphs (a), (b), (c), (d), (f), and (g) of subsection (4) of section 395.0199, Florida Statutes, are reenacted to read:

395.0199 Private utilization review.—

(4) Each applicant for registration must comply with the following requirements:

(a) Upon receipt of a completed, signed, and dated application, the agency shall require background screening, in accordance with the level 2 standards for screening set forth in chapter 435, of the managing employee or other similarly titled individual who is responsible for the

operation of the entity. The applicant must comply with the procedures for level 2 background screening as set forth in chapter 435, as well as the requirements of s. 435.03(3).

(b) The agency may require background screening of any other individual who is an applicant, if the agency has probable cause to believe that he or she has been convicted of a crime or has committed any other offense prohibited under the level 2 standards for screening set forth in chapter 435.

(c) Proof of compliance with the level 2 background screening requirements of chapter 435 which has been submitted within the previous 5 years in compliance with any other health care licensure requirements of this state is acceptable in fulfillment of the requirements of paragraph (a).

(d) A provisional registration may be granted to an applicant when each individual required by this section to undergo background screening has met the standards for the Department of Law Enforcement background check, but the agency has not yet received background screening results from the Federal Bureau of Investigation, or a request for a disqualification exemption has been submitted to the agency as set forth in chapter 435 but a response has not yet been issued. A standard registration may be granted to the applicant upon the agency's receipt of a report of the results of the Federal Bureau of Investigation background screening for each individual required by this section to undergo background screening which confirms that all standards have been met, or upon the granting of a disqualification exemption by the agency as set forth in chapter 435. Any other person who is required to undergo level 2 background screening may serve in his or her capacity pending the agency's receipt of the report from the Federal Bureau of Investigation. However, the person may not continue to serve if the report indicates any violation of background screening standards and a disqualification exemption has not been requested of and granted by the agency as set forth in chapter 435.

(f) Each applicant must submit to the agency a description and explanation of any conviction of an offense prohibited under the level 2 standards of chapter 435 by a member of the board of directors of the applicant, its officers, or any individual owning 5 percent or more of the applicant. This requirement does not apply to a director of a not-for-profit corporation or organization if the director serves solely in a voluntary capacity for the corporation or organization, does not regularly take part in the day-to-day operational decisions of the corporation or organization, receives no remuneration for his or her services on the corporation or organization's board of directors, and has no financial interest and has no family members with a financial interest in the corporation or organization, provided that the director and the not-for-profit corporation or organization include in the application a statement affirming that the director's relationship to the corporation satisfies the requirements of this paragraph.

(g) A registration may not be granted to an applicant if the applicant or managing employee has been found guilty of, regardless of adjudication, or has entered a plea of nolo contendere or guilty to, any offense prohibited under the level 2 standards for screening set forth in chapter 435, unless an exemption from disqualification has been granted by the agency as set forth in chapter 435.

Section 87. For the purpose of incorporating the amendment to section 435.04, Florida Statutes, in references thereto, paragraph (a) of subsection (1) of section 397.451, Florida Statutes, is reenacted to read:

397.451 Background checks of service provider personnel.—

(1) PERSONNEL BACKGROUND CHECKS; REQUIREMENTS AND EXCEPTIONS.—

(a) Background checks shall apply as follows:

1. All owners, directors, and chief financial officers of service providers are subject to level 2 background screening as provided under chapter 435.

2. All service provider personnel who have direct contact with children receiving services or with adults who are developmentally disabled receiving services are subject to level 2 background screening as provided under chapter 435.

Section 88. For the purpose of incorporating the amendment to section 435.04, Florida Statutes, in references thereto, paragraphs (a), (b), (c), (d), and (f) of subsection (4) of section 400.071, Florida Statutes, are reenacted to read:

400.071 Application for license.—

(4) Each applicant for licensure must comply with the following requirements:

(a) Upon receipt of a completed, signed, and dated application, the agency shall require background screening of the applicant, in accordance with the level 2 standards for screening set forth in chapter 435. As used in this subsection, the term “applicant” means the facility administrator, or similarly titled individual who is responsible for the day-to-day operation of the licensed facility, and the facility financial officer, or similarly titled individual who is responsible for the financial operation of the licensed facility.

(b) The agency may require background screening for a member of the board of directors of the licensee or an officer or an individual owning 5 percent or more of the licensee if the agency has probable cause to believe that such individual has been convicted of an offense prohibited under the level 2 standards for screening set forth in chapter 435.

(c) Proof of compliance with the level 2 background screening requirements of chapter 435 which has been submitted within the previous 5 years in compliance with any other health care or assisted living licensure requirements of this state is acceptable in fulfillment of paragraph (a). Proof of compliance with background screening which has been submitted within the previous 5 years to fulfill the requirements of the Financial Services Commission and the Office of Insurance Regulation pursuant to chapter 651 as part of an application for a certificate of authority to operate a continuing care retirement community is acceptable in fulfillment of the Department of Law Enforcement and Federal Bureau of Investigation background check.

(d) A provisional license may be granted to an applicant when each individual required by this section to undergo background screening has met the standards for the Department of Law Enforcement background check, but the agency has not yet received background screening results from the Federal Bureau of Investigation, or a request for a disqualification exemption has been submitted to the agency as set forth in chapter 435, but a response has not yet been issued. A license may be granted to the applicant upon the agency’s receipt of a report of the results of the Federal Bureau of Investigation background screening for each individual required by this section to undergo background screening which confirms that all standards have been met, or upon the granting of a disqualification exemption by the agency as set forth in chapter 435. Any other person who is required to undergo level 2 background screening may serve in his or her capacity pending the agency’s receipt of the report from the Federal Bureau of Investigation; however, the person may not continue to serve if the report indicates any violation of background screening standards and a disqualification exemption has not been requested of and granted by the agency as set forth in chapter 435.

(f) Each applicant must submit to the agency a description and explanation of any conviction of an offense prohibited under the level 2 standards of chapter 435 by a member of the board of directors of the applicant, its officers, or any individual owning 5 percent or more of the applicant. This requirement shall not apply to a director of a not-for-profit corporation or organization if the director serves solely in a voluntary capacity for the corporation or organization, does not regularly take part in the day-to-day operational decisions of the corporation or organization, receives no remuneration for his or her services on the corporation or organization’s board of directors, and has no financial interest and has no family members with a financial interest in the corporation or organization, provided that the director and the not-for-profit corporation or organization include in the application a statement affirming that the director’s relationship to the corporation satisfies the requirements of this paragraph.

Section 89. For the purpose of incorporating the amendment to section 435.04, Florida Statutes, in references thereto, paragraphs (a), (b), (c), (d), (f), and (g) of subsection (4) of section 400.471, Florida Statutes, are reenacted to read:

400.471 Application for license; fee; provisional license; temporary permit.—

(4) Each applicant for licensure must comply with the following requirements:

(a) Upon receipt of a completed, signed, and dated application, the agency shall require background screening of the applicant, in accordance with the level 2 standards for screening set forth in chapter 435. As used in this subsection, the term “applicant” means the administrator, or a similarly titled person who is responsible for the day-to-day operation of the licensed home health agency, and the financial officer, or similarly titled individual who is responsible for the financial operation of the licensed home health agency.

(b) The agency may require background screening for a member of the board of directors of the licensee or an officer or an individual owning 5 percent or more of the licensee if the agency reasonably suspects that such individual has been convicted of an offense prohibited under the level 2 standards for screening set forth in chapter 435.

(c) Proof of compliance with the level 2 background screening requirements of chapter 435 which has been submitted within the previous 5 years in compliance with any other health care or assisted living licensure requirements of this state is acceptable in fulfillment of paragraph (a). Proof of compliance with background screening which has been submitted within the previous 5 years to fulfill the requirements of the Financial Services Commission and the Office of Insurance Regulation pursuant to chapter 651 as part of an application for a certificate of authority to operate a continuing care retirement community is acceptable in fulfillment of the Department of Law Enforcement and Federal Bureau of Investigation background check.

(d) A provisional license may be granted to an applicant when each individual required by this section to undergo background screening has met the standards for the Department of Law Enforcement background check, but the agency has not yet received background screening results from the Federal Bureau of Investigation. A standard license may be granted to the licensee upon the agency’s receipt of a report of the results of the Federal Bureau of Investigation background screening for each individual required by this section to undergo background screening which confirms that all standards have been met, or upon the granting of a disqualification exemption by the agency as set forth in chapter 435. Any other person who is required to undergo level 2 background screening may serve in his or her capacity pending the agency’s receipt of the report from the Federal Bureau of Investigation. However, the person may not continue to serve if the report indicates any violation of background screening standards and a disqualification exemption has not been requested of and granted by the agency as set forth in chapter 435.

(f) Each applicant must submit to the agency a description and explanation of any conviction of an offense prohibited under the level 2 standards of chapter 435 by a member of the board of directors of the applicant, its officers, or any individual owning 5 percent or more of the applicant. This requirement does not apply to a director of a not-for-profit corporation or organization if the director serves solely in a voluntary capacity for the corporation or organization, does not regularly take part in the day-to-day operational decisions of the corporation or organization, receives no remuneration for his or her services on the corporation or organization’s board of directors, and has no financial interest and has no family members with a financial interest in the corporation or organization, provided that the director and the not-for-profit corporation or organization include in the application a statement affirming that the director’s relationship to the corporation satisfies the requirements of this paragraph.

(g) A license may not be granted to an applicant if the applicant, administrator, or financial officer has been found guilty of, regardless of adjudication, or has entered a plea of nolo contendere or guilty to, any offense prohibited under the level 2 standards for screening set forth in chapter 435, unless an exemption from disqualification has been granted by the agency as set forth in chapter 435.

Section 90. For the purpose of incorporating the amendment to section 435.04, Florida Statutes, in references thereto, paragraphs (a), (b), (c), (d), (f), and (g) of subsection (2) of section 400.506, Florida Statutes, are reenacted to read:

400.506 Licensure of nurse registries; requirements; penalties.—

(2) Each applicant for licensure must comply with the following requirements:

(a) Upon receipt of a completed, signed, and dated application, the agency shall require background screening, in accordance with the level 2 standards for screening set forth in chapter 435, of the managing employee, or other similarly titled individual who is responsible for the daily operation of the nurse registry, and of the financial officer, or other similarly titled individual who is responsible for the financial operation of the registry, including billings for patient care and services. The applicant shall comply with the procedures for level 2 background screening as set forth in chapter 435.

(b) The agency may require background screening of any other individual who is an applicant if the agency has probable cause to believe that he or she has been convicted of a crime or has committed any other offense prohibited under the level 2 standards for screening set forth in chapter 435.

(c) Proof of compliance with the level 2 background screening requirements of chapter 435 which has been submitted within the previous 5 years in compliance with any other health care or assisted living licensure requirements of this state is acceptable in fulfillment of the requirements of paragraph (a).

(d) A provisional license may be granted to an applicant when each individual required by this section to undergo background screening has met the standards for the Department of Law Enforcement background check but the agency has not yet received background screening results from the Federal Bureau of Investigation. A standard license may be granted to the applicant upon the agency's receipt of a report of the results of the Federal Bureau of Investigation background screening for each individual required by this section to undergo background screening which confirms that all standards have been met, or upon the granting of a disqualification exemption by the agency as set forth in chapter 435. Any other person who is required to undergo level 2 background screening may serve in his or her capacity pending the agency's receipt of the report from the Federal Bureau of Investigation. However, the person may not continue to serve if the report indicates any violation of background screening standards and a disqualification exemption has not been requested of and granted by the agency as set forth in chapter 435.

(f) Each applicant must submit to the agency a description and explanation of any conviction of an offense prohibited under the level 2 standards of chapter 435 by a member of the board of directors of the applicant, its officers, or any individual owning 5 percent or more of the applicant. This requirement does not apply to a director of a not-for-profit corporation or organization if the director serves solely in a voluntary capacity for the corporation or organization, does not regularly take part in the day-to-day operational decisions of the corporation or organization, receives no remuneration for his or her services on the corporation or organization's board of directors, and has no financial interest and has no family members with a financial interest in the corporation or organization, provided that the director and the not-for-profit corporation or organization include in the application a statement affirming that the director's relationship to the corporation satisfies the requirements of this paragraph.

(g) A license may not be granted to an applicant if the applicant or managing employee has been found guilty of, regardless of adjudication, or has entered a plea of nolo contendere or guilty to, any offense prohibited under the level 2 standards for screening set forth in chapter 435, unless an exemption from disqualification has been granted by the agency as set forth in chapter 435.

Section 91. For the purpose of incorporating the amendment to section 435.04, Florida Statutes, in references thereto, section 400.5572, Florida Statutes, is reenacted to read:

400.5572 Background screening.—

(1)(a) Level 2 background screening must be conducted on each of the following persons, who shall be considered employees for the purposes of conducting screening under chapter 435:

1. The adult day care center owner if an individual, the operator, and the financial officer.

2. An officer or board member if the owner of the adult day care center is a firm, corporation, partnership, or association, or any person owning 5 percent or more of the facility, if the agency has probable cause

to believe that such person has been convicted of any offense prohibited by s. 435.04. For each officer, board member, or person owning 5 percent or more who has been convicted of any such offense, the facility shall submit to the agency a description and explanation of the conviction at the time of license application. This subparagraph does not apply to a board member of a not-for-profit corporation or organization if the board member serves solely in a voluntary capacity, does not regularly take part in the day-to-day operational decisions of the corporation or organization, receives no remuneration for his or her services, and has no financial interest and has no family members with a financial interest in the corporation or organization, provided that the board member and facility submit a statement affirming that the board member's relationship to the facility satisfies the requirements of this subparagraph.

(b) Proof of compliance with level 2 screening standards which has been submitted within the previous 5 years to meet any facility or professional licensure requirements of the agency or the Department of Health satisfies the requirements of this subsection.

(c) The agency may grant a provisional license to an adult day care center applying for an initial license when each individual required by this subsection to undergo screening has completed the Department of Law Enforcement background check, but has not yet received results from the Federal Bureau of Investigation, or when a request for an exemption from disqualification has been submitted to the agency pursuant to s. 435.07, but a response has not been issued.

(2) The owner or administrator of an adult day care center must conduct level 1 background screening as set forth in chapter 435 on all employees hired on or after October 1, 1998, who provide basic services or supportive and optional services to the participants. Such persons satisfy this requirement if:

(a) Proof of compliance with level 1 screening requirements obtained to meet any professional license requirements in this state is provided and accompanied, under penalty of perjury, by a copy of the person's current professional license and an affidavit of current compliance with the background screening requirements.

(b) The person required to be screened has been continuously employed, without a breach in service that exceeds 180 days, in the same type of occupation for which the person is seeking employment and provides proof of compliance with the level 1 screening requirement which is no more than 2 years old. Proof of compliance must be provided directly from one employer or contractor to another, and not from the person screened. Upon request, a copy of screening results shall be provided to the person screened by the employer retaining documentation of the screening.

(c) The person required to be screened is employed by a corporation or business entity or related corporation or business entity that owns, operates, or manages more than one facility or agency licensed under this chapter, and for whom a level 1 screening was conducted by the corporation or business entity as a condition of initial or continued employment.

Section 92. For the purpose of incorporating the amendment to section 435.04, Florida Statutes, in references thereto, paragraph (a) of subsection (3) of section 400.607, Florida Statutes, is reenacted to read:

400.607 Denial, suspension, or revocation of license; imposition of administrative fine; grounds; injunctions.—

(3) The agency may deny or revoke a license upon a determination that:

(a) Persons subject to level 2 background screening under s. 400.6065 do not meet the screening standards of s. 435.04, and exemptions from disqualification have not been provided by the agency.

Section 93. For the purpose of incorporating the amendment to section 435.04, Florida Statutes, in references thereto, paragraphs (a), (b), (c), (d), (f), and (g) of subsection (4) of section 400.801, Florida Statutes, are reenacted to read:

400.801 Homes for special services.—

(4) Each applicant for licensure must comply with the following requirements:

(a) Upon receipt of a completed, signed, and dated application, the agency shall require background screening, in accordance with the level 2 standards for screening set forth in chapter 435, of the managing employee, or other similarly titled individual who is responsible for the daily operation of the facility, and of the financial officer, or other similarly titled individual who is responsible for the financial operation of the facility, including billings for client care and services, in accordance with the level 2 standards for screening set forth in chapter 435. The applicant must comply with the procedures for level 2 background screening as set forth in chapter 435.

(b) The agency may require background screening of any other individual who is an applicant if the agency has probable cause to believe that he or she has been convicted of a crime or has committed any other offense prohibited under the level 2 standards for screening set forth in chapter 435.

(c) Proof of compliance with the level 2 background screening requirements of chapter 435 which has been submitted within the previous 5 years in compliance with any other health care or assisted living licensure requirements of this state is acceptable in fulfillment of the requirements of paragraph (a).

(d) A provisional license may be granted to an applicant when each individual required by this section to undergo background screening has met the standards for the Department of Law Enforcement background check, but the agency has not yet received background screening results from the Federal Bureau of Investigation, or a request for a disqualification exemption has been submitted to the agency as set forth in chapter 435, but a response has not yet been issued. A standard license may be granted to the applicant upon the agency's receipt of a report of the results of the Federal Bureau of Investigation background screening for each individual required by this section to undergo background screening which confirms that all standards have been met, or upon the granting of a disqualification exemption by the agency as set forth in chapter 435. Any other person who is required to undergo level 2 background screening may serve in his or her capacity pending the agency's receipt of the report from the Federal Bureau of Investigation. However, the person may not continue to serve if the report indicates any violation of background screening standards and a disqualification exemption has not been requested of and granted by the agency as set forth in chapter 435.

(f) Each applicant must submit to the agency a description and explanation of any conviction of an offense prohibited under the level 2 standards of chapter 435 by a member of the board of directors of the applicant, its officers, or any individual owning 5 percent or more of the applicant. This requirement does not apply to a director of a not-for-profit corporation or organization if the director serves solely in a voluntary capacity for the corporation or organization, does not regularly take part in the day-to-day operational decisions of the corporation or organization, receives no remuneration for his or her services on the corporation or organization's board of directors, and has no financial interest and has no family members with a financial interest in the corporation or organization, provided that the director and the not-for-profit corporation or organization include in the application a statement affirming that the director's relationship to the corporation satisfies the requirements of this paragraph.

(g) A license may not be granted to an applicant if the applicant or managing employee has been found guilty of, regardless of adjudication, or has entered a plea of nolo contendere or guilty to, any offense prohibited under the level 2 standards for screening set forth in chapter 435, unless an exemption from disqualification has been granted by the agency as set forth in chapter 435.

Section 94. For the purpose of incorporating the amendment to section 435.04, Florida Statutes, in references thereto, paragraphs (a), (b), (c), (d), (f), and (g) of subsection (3) of section 400.805, Florida Statutes, are reenacted to read:

400.805 Transitional living facilities.—

(3) Each applicant for licensure must comply with the following requirements:

(a) Upon receipt of a completed, signed, and dated application, the agency shall require background screening, in accordance with the level 2 standards for screening set forth in chapter 435, of the managing

employee, or other similarly titled individual who is responsible for the daily operation of the facility, and of the financial officer, or other similarly titled individual who is responsible for the financial operation of the facility, including billings for client care and services. The applicant must comply with the procedures for level 2 background screening as set forth in chapter 435.

(b) The agency may require background screening of any other individual who is an applicant if the agency has probable cause to believe that he or she has been convicted of a crime or has committed any other offense prohibited under the level 2 standards for screening set forth in chapter 435.

(c) Proof of compliance with the level 2 background screening requirements of chapter 435 which has been submitted within the previous 5 years in compliance with any other health care or assisted living licensure requirements of this state is acceptable in fulfillment of the requirements of paragraph (a).

(d) A provisional license may be granted to an applicant when each individual required by this section to undergo background screening has met the standards for the Department of Law Enforcement background check, but the agency has not yet received background screening results from the Federal Bureau of Investigation, or a request for a disqualification exemption has been submitted to the agency as set forth in chapter 435, but a response has not yet been issued. A standard license may be granted to the applicant upon the agency's receipt of a report of the results of the Federal Bureau of Investigation background screening for each individual required by this section to undergo background screening which confirms that all standards have been met, or upon the granting of a disqualification exemption by the agency as set forth in chapter 435. Any other person who is required to undergo level 2 background screening may serve in his or her capacity pending the agency's receipt of the report from the Federal Bureau of Investigation. However, the person may not continue to serve if the report indicates any violation of background screening standards and a disqualification exemption has not been requested of and granted by the agency as set forth in chapter 435.

(f) Each applicant must submit to the agency a description and explanation of any conviction of an offense prohibited under the level 2 standards of chapter 435 by a member of the board of directors of the applicant, its officers, or any individual owning 5 percent or more of the applicant. This requirement does not apply to a director of a not-for-profit corporation or organization if the director serves solely in a voluntary capacity for the corporation or organization, does not regularly take part in the day-to-day operational decisions of the corporation or organization, receives no remuneration for his or her services on the corporation or organization's board of directors, and has no financial interest and has no family members with a financial interest in the corporation or organization, provided that the director and the not-for-profit corporation or organization include in the application a statement affirming that the director's relationship to the corporation satisfies the requirements of this paragraph.

(g) A license may not be granted to an applicant if the applicant or managing employee has been found guilty of, regardless of adjudication, or has entered a plea of nolo contendere or guilty to, any offense prohibited under the level 2 standards for screening set forth in chapter 435, unless an exemption from disqualification has been granted by the agency as set forth in chapter 435.

Section 95. For the purpose of incorporating the amendment to section 435.04, Florida Statutes, in references thereto, paragraphs (a), (b), (c), (d), (f), and (g) of subsection (5) of section 400.906, Florida Statutes, are reenacted to read:

400.906 Initial application for license.—

(5) Each applicant for licensure must comply with the following requirements:

(a) Upon receipt of a completed, signed, and dated application, the agency shall require background screening, in accordance with the level 2 standards for screening set forth in chapter 435, of the operator, and of the financial officer, or other similarly titled individual who is responsible for the financial operation of the center, including billings for patient care and services. The applicant must comply with the procedures

for level 2 background screening as set forth in chapter 435, as well as the requirements of s. 435.03(3).

(b) The agency may require background screening of any other individual who is an applicant if the agency has a reasonable basis for believing that he or she has been convicted of a crime or has committed any other offense prohibited under the level 2 standards for screening set forth in chapter 435.

(c) Proof of compliance with the level 2 background screening requirements of chapter 435 which has been submitted within the previous 5 years in compliance with any other health care licensure requirements of this state is acceptable in fulfillment of the requirements of paragraph (a).

(d) A provisional license may be granted to an applicant when each individual required by this section to undergo background screening has met the standards for the Department of Law Enforcement background check, but the agency has not yet received background screening results from the Federal Bureau of Investigation, or a request for a disqualification exemption has been submitted to the agency as set forth in chapter 435, but a response has not yet been issued. A standard license may be granted to the applicant upon the agency's receipt of a report of the results of the Federal Bureau of Investigation background screening for each individual required by this section to undergo background screening which confirms that all standards have been met, or upon the granting of a disqualification exemption by the agency as set forth in chapter 435. Any other person who is required to undergo level 2 background screening may serve in his or her capacity pending the agency's receipt of the report from the Federal Bureau of Investigation. However, the person may not continue to serve if the report indicates any violation of background screening standards and a disqualification exemption has not been requested of and granted by the agency as set forth in chapter 435.

(f) Each applicant must submit to the agency a description and explanation of any conviction of an offense prohibited under the level 2 standards of chapter 435 by a member of the board of directors of the applicant, its officers, or any individual owning 5 percent or more of the applicant. This requirement does not apply to a director of a not-for-profit corporation or organization if the director serves solely in a voluntary capacity for the corporation or organization, does not regularly take part in the day-to-day operational decisions of the corporation or organization, receives no remuneration for his or her services on the corporation or organization's board of directors, and has no financial interest and has no family members with a financial interest in the corporation or organization, provided that the director and the not-for-profit corporation or organization include in the application a statement affirming that the director's relationship to the corporation satisfies the requirements of this paragraph.

(g) A license may not be granted to an applicant if the applicant or managing employee has been found guilty of, regardless of adjudication, or has entered a plea of nolo contendere or guilty to, any offense prohibited under the level 2 standards for screening set forth in chapter 435, unless an exemption from disqualification has been granted by the agency as set forth in chapter 435.

Section 96. For the purpose of incorporating the amendment to section 435.04, Florida Statutes, in references thereto, paragraphs (a), (b), (c), (e), and (f) of subsection (5) of section 400.931, Florida Statutes, are reenacted to read:

400.931 Application for license; fee; provisional license; temporary permit.—

(5) Each applicant for licensure must comply with the following requirements:

(a) Upon receipt of a completed, signed, and dated application, the agency shall require background screening of the applicant, in accordance with the level 2 standards for screening set forth in chapter 435. As used in this subsection, the term "applicant" means the general manager and the financial officer or similarly titled individual who is responsible for the financial operation of the licensed facility.

(b) The agency may require background screening for a member of the board of directors of the licensee or an officer or an individual owning 5 percent or more of the licensee if the agency has probable cause to

believe that such individual has been convicted of an offense prohibited under the level 2 standards for screening set forth in chapter 435.

(c) Proof of compliance with the level 2 background screening requirements of chapter 435 which has been submitted within the previous 5 years in compliance with any other health care licensure requirements of this state is acceptable in fulfillment of paragraph (a).

(e) Each applicant must submit to the agency a description and explanation of any conviction of an offense prohibited under the level 2 standards of chapter 435 by a member of the board of directors of the applicant, its officers, or any individual owning 5 percent or more of the applicant. This requirement does not apply to a director of a not-for-profit corporation or organization if the director serves solely in a voluntary capacity for the corporation or organization, does not regularly take part in the day-to-day operational decisions of the corporation or organization, receives no remuneration for his or her services on the corporation's or organization's board of directors, and has no financial interest and has no family members with a financial interest in the corporation or organization, provided that the director and the not-for-profit corporation or organization include in the application a statement affirming that the director's relationship to the corporation satisfies the requirements of this provision.

(f) A license may not be granted to any potential licensee if any applicant, administrator, or financial officer has been found guilty of, regardless of adjudication, or has entered a plea of nolo contendere or guilty to, any offense prohibited under the level 2 standards for screening set forth in chapter 435, unless an exemption from disqualification has been granted by the agency as set forth in chapter 435.

Section 97. For the purpose of incorporating the amendment to section 435.04, Florida Statutes, in references thereto, paragraphs (a), (b), (c), (d), and (f) of subsection (10) of section 400.962, Florida Statutes, are reenacted to read:

400.962 License required; license application.—

(10)(a) Upon receipt of a completed, signed, and dated application, the agency shall require background screening of the applicant, in accordance with the level 2 standards for screening set forth in chapter 435. As used in this subsection, the term "applicant" means the facility administrator, or similarly titled individual who is responsible for the day-to-day operation of the licensed facility, and the facility financial officer, or similarly titled individual who is responsible for the financial operation of the licensed facility.

(b) The agency may require background screening for a member of the board of directors of the licensee or an officer or an individual owning 5 percent or more of the licensee if the agency has probable cause to believe that such individual has been convicted of an offense prohibited under the level 2 standards for screening set forth in chapter 435.

(c) Proof of compliance with the level 2 background screening requirements of chapter 435 which has been submitted within the previous 5 years in compliance with any other licensure requirements under this chapter satisfies the requirements of paragraph (a). Proof of compliance with background screening which has been submitted within the previous 5 years to fulfill the requirements of the Financial Services Commission and the Office of Insurance Regulation under chapter 651 as part of an application for a certificate of authority to operate a continuing care retirement community satisfies the requirements for the Department of Law Enforcement and Federal Bureau of Investigation background checks.

(d) A provisional license may be granted to an applicant when each individual required by this section to undergo background screening has met the standards for the Department of Law Enforcement background check, but the agency has not yet received background screening results from the Federal Bureau of Investigation, or a request for a disqualification exemption has been submitted to the agency as set forth in chapter 435, but a response has not yet been issued. A license may be granted to the applicant upon the agency's receipt of a report of the results of the Federal Bureau of Investigation background screening for each individual required by this section to undergo background screening which confirms that all standards have been met, or upon the granting of a disqualification exemption by the agency as set forth in chapter 435. Any other person who is required to undergo level 2 background screening may serve in his or her capacity pending the agency's receipt of the

report from the Federal Bureau of Investigation; however, the person may not continue to serve if the report indicates any violation of background screening standards and a disqualification exemption has not been granted by the agency as set forth in chapter 435.

(f) Each applicant must submit to the agency a description and explanation of any conviction of an offense prohibited under the level 2 standards of chapter 435 by a member of the board of directors of the applicant, its officers, or any individual owning 5 percent or more of the applicant. This requirement does not apply to a director of a not-for-profit corporation or organization if the director serves solely in a voluntary capacity for the corporation or organization, does not regularly take part in the day-to-day operational decisions of the corporation or organization, receives no remuneration for his or her services on the corporation's or organization's board of directors, and has no financial interest and has no family members with a financial interest in the corporation or organization, provided that the director and the not-for-profit corporation or organization include in the application a statement affirming that the director's relationship to the corporation satisfies the requirements of this paragraph.

Section 98. For the purpose of incorporating the amendment to section 435.04, Florida Statutes, in references thereto, paragraphs (b) and (d) of subsection (7) of section 400.991, Florida Statutes, are reenacted to read:

400.991 License requirements; background screenings; prohibitions.—

(7) Each applicant for licensure shall comply with the following requirements:

(b) Upon receipt of a completed, signed, and dated application, the agency shall require background screening of the applicant, in accordance with the level 2 standards for screening set forth in chapter 435. Proof of compliance with the level 2 background screening requirements of chapter 435 which has been submitted within the previous 5 years in compliance with any other health care licensure requirements of this state is acceptable in fulfillment of this paragraph.

(d) A license may not be granted to a clinic if the applicant has been found guilty of, regardless of adjudication, or has entered a plea of nolo contendere or guilty to, any offense prohibited under the level 2 standards for screening set forth in chapter 435, or a violation of insurance fraud under s. 817.234, within the past 5 years. If the applicant has been convicted of an offense prohibited under the level 2 standards or insurance fraud in any jurisdiction, the applicant must show that his or her civil rights have been restored prior to submitting an application.

Section 99. For the purpose of incorporating the amendment to section 435.04, Florida Statutes, in references thereto, paragraph (e) of subsection (2) of section 402.302, Florida Statutes, is reenacted to read:

402.302 Definitions.—

(2) "Child care facility" includes any child care center or child care arrangement which provides child care for more than five children unrelated to the operator and which receives a payment, fee, or grant for any of the children receiving care, wherever operated, and whether or not operated for profit. The following are not included:

(e) Operators of transient establishments, as defined in chapter 509, which provide child care services solely for the guests of their establishment or resort, provided that all child care personnel of the establishment are screened according to the level 2 screening requirements of chapter 435.

Section 100. For the purpose of incorporating the amendment to section 435.04, Florida Statutes, in references thereto, paragraph (a) of subsection (2) of section 402.305, Florida Statutes, is reenacted to read:

402.305 Licensing standards; child care facilities.—

(2) PERSONNEL.—Minimum standards for child care personnel shall include minimum requirements as to:

(a) Good moral character based upon screening. This screening shall be conducted as provided in chapter 435, using the level 2 standards for screening set forth in that chapter.

Section 101. For the purpose of incorporating the amendment to section 435.04, Florida Statutes, in references thereto, subsection (3) of section 402.3054, Florida Statutes, is reenacted to read:

402.3054 Child enrichment service providers.—

(3) A child enrichment service provider shall be of good moral character based upon screening. This screening shall be conducted as provided in chapter 435, using the level 2 standards for screening set forth in that chapter. A child enrichment service provider must meet the screening requirements prior to providing services to a child in a child care facility. A child enrichment service provider who has met the screening standards shall not be required to be under the direct and constant supervision of child care personnel.

Section 102. For the purpose of incorporating the amendment to section 435.04, Florida Statutes, in references thereto, paragraphs (a), (b), (c), (d), (f), and (g) of subsection (2) of section 483.30, Florida Statutes, are reenacted to read:

483.30 Licensing of centers.—

(2) Each applicant for licensure must comply with the following requirements:

(a) Upon receipt of a completed, signed, and dated application, the agency shall require background screening, in accordance with the level 2 standards for screening set forth in chapter 435, of the managing employee, or other similarly titled individual who is responsible for the daily operation of the center, and of the financial officer, or other similarly titled individual who is responsible for the financial operation of the center, including billings for patient services. The applicant must comply with the procedures for level 2 background screening as set forth in chapter 435, as well as the requirements of s. 435.03(3).

(b) The agency may require background screening of any other individual who is an applicant if the agency has probable cause to believe that he or she has been convicted of a crime or has committed any other offense prohibited under the level 2 standards for screening set forth in chapter 435.

(c) Proof of compliance with the level 2 background screening requirements of chapter 435 which has been submitted within the previous 5 years in compliance with any other health care licensure requirements of this state is acceptable in fulfillment of the requirements of paragraph (a).

(d) A provisional license may be granted to an applicant when each individual required by this section to undergo background screening has met the standards for the Department of Law Enforcement background check, but the agency has not yet received background screening results from the Federal Bureau of Investigation, or a request for a disqualification exemption has been submitted to the agency as set forth in chapter 435 but a response has not yet been issued. A license may be granted to the applicant upon the agency's receipt of a report of the results of the Federal Bureau of Investigation background screening for each individual required by this section to undergo background screening which confirms that all standards have been met, or upon the granting of a disqualification exemption by the agency as set forth in chapter 435. Any other person who is required to undergo level 2 background screening may serve in his or her capacity pending the agency's receipt of the report from the Federal Bureau of Investigation. However, the person may not continue to serve if the report indicates any violation of background screening standards and a disqualification exemption has not been requested of and granted by the agency as set forth in chapter 435.

(f) Each applicant must submit to the agency a description and explanation of any conviction of an offense prohibited under the level 2 standards of chapter 435 by a member of the board of directors of the applicant, its officers, or any individual owning 5 percent or more of the applicant. This requirement does not apply to a director of a not-for-profit corporation or organization if the director serves solely in a voluntary capacity for the corporation or organization, does not regularly take part in the day-to-day operational decisions of the corporation or organization, receives no remuneration for his or her services on the corporation or organization's board of directors, and has no financial interest and has no family members with a financial interest in the corporation or organization, provided that the director and the not-for-profit corporation or organization include in the application a statement affirming

that the director's relationship to the corporation satisfies the requirements of this paragraph.

(g) A license may not be granted to an applicant if the applicant or managing employee has been found guilty of, regardless of adjudication, or has entered a plea of nolo contendere or guilty to, any offense prohibited under the level 2 standards for screening set forth in chapter 435, unless an exemption from disqualification has been granted by the agency as set forth in chapter 435.

Section 103. For the purpose of incorporating the amendment to section 435.04, Florida Statutes, in references thereto, paragraphs (a), (b), (c), (d), (f), and (g) of subsection (2) of section 483.101, Florida Statutes, are reenacted to read:

483.101 Application for clinical laboratory license.—

(2) Each applicant for licensure must comply with the following requirements:

(a) Upon receipt of a completed, signed, and dated application, the agency shall require background screening, in accordance with the level 2 standards for screening set forth in chapter 435, of the managing director or other similarly titled individual who is responsible for the daily operation of the laboratory and of the financial officer, or other similarly titled individual who is responsible for the financial operation of the laboratory, including billings for patient services. The applicant must comply with the procedures for level 2 background screening as set forth in chapter 435, as well as the requirements of s. 435.03(3).

(b) The agency may require background screening of any other individual who is an applicant if the agency has probable cause to believe that he or she has been convicted of a crime or has committed any other offense prohibited under the level 2 standards for screening set forth in chapter 435.

(c) Proof of compliance with the level 2 background screening requirements of chapter 435 which has been submitted within the previous 5 years in compliance with any other health care licensure requirements of this state is acceptable in fulfillment of the requirements of paragraph (a).

(d) A provisional license may be granted to an applicant when each individual required by this section to undergo background screening has met the standards for the Department of Law Enforcement background check but the agency has not yet received background screening results from the Federal Bureau of Investigation, or a request for a disqualification exemption has been submitted to the agency as set forth in chapter 435 but a response has not yet been issued. A license may be granted to the applicant upon the agency's receipt of a report of the results of the Federal Bureau of Investigation background screening for each individual required by this section to undergo background screening which confirms that all standards have been met, or upon the granting of a disqualification exemption by the agency as set forth in chapter 435. Any other person who is required to undergo level 2 background screening may serve in his or her capacity pending the agency's receipt of the report from the Federal Bureau of Investigation. However, the person may not continue to serve if the report indicates any violation of background screening standards and a disqualification exemption has not been requested of and granted by the agency as set forth in chapter 435.

(f) Each applicant must submit to the agency a description and explanation of any conviction of an offense prohibited under the level 2 standards of chapter 435 by a member of the board of directors of the applicant, its officers, or any individual owning 5 percent or more of the applicant. This requirement does not apply to a director of a not-for-profit corporation or organization if the director serves solely in a voluntary capacity for the corporation or organization, does not regularly take part in the day-to-day operational decisions of the corporation or organization, receives no remuneration for his or her services on the corporation or organization's board of directors, and has no financial interest and has no family members with a financial interest in the corporation or organization, provided that the director and the not-for-profit corporation or organization include in the application a statement affirming that the director's relationship to the corporation satisfies the requirements of this paragraph.

(g) A license may not be granted to an applicant if the applicant or managing employee has been found guilty of, regardless of adjudication,

or has entered a plea of nolo contendere or guilty to, any offense prohibited under the level 2 standards for screening set forth in chapter 435, unless an exemption from disqualification has been granted by the agency as set forth in chapter 435.

Section 104. For the purpose of incorporating the amendment to section 435.04, Florida Statutes, in references thereto, subsection (5) of section 744.1085, Florida Statutes, is reenacted to read:

744.1085 Regulation of professional guardians; application; bond required; educational requirements.—

(5) As required in s. 744.3135, each professional guardian shall allow a level 2 background screening of the guardian and employees of the guardian in accordance with the provisions of s. 435.04.

Section 105. For the purpose of incorporating the amendment to section 435.04, Florida Statutes, in references thereto, paragraph (b) of subsection (2) of section 984.01, Florida Statutes, is reenacted to read:

984.01 Purposes and intent; personnel standards and screening.—

(2) The Department of Juvenile Justice or the Department of Children and Family Services, as appropriate, may contract with the Federal Government, other state departments and agencies, county and municipal governments and agencies, public and private agencies, and private individuals and corporations in carrying out the purposes of, and the responsibilities established in, this chapter.

(b) The Department of Juvenile Justice and the Department of Children and Family Services shall require employment screening pursuant to chapter 435, using the level 2 standards set forth in that chapter for personnel in programs for children or youths.

Section 106. For the purpose of incorporating the amendment to section 435.04, Florida Statutes, in references thereto, paragraph (b) of subsection (2) of section 985.01, Florida Statutes, is reenacted to read:

985.01 Purposes and intent; personnel standards and screening.—

(2) The Department of Juvenile Justice or the Department of Children and Family Services, as appropriate, may contract with the Federal Government, other state departments and agencies, county and municipal governments and agencies, public and private agencies, and private individuals and corporations in carrying out the purposes of, and the responsibilities established in, this chapter.

(b) The Department of Juvenile Justice and the Department of Children and Family Services shall require employment screening pursuant to chapter 435, using the level 2 standards set forth in that chapter for personnel in programs for children or youths.

Section 107. For the purpose of incorporating the amendment to section 435.04, Florida Statutes, in references thereto, paragraphs (a) and (b) of subsection (7) of section 1002.36, Florida Statutes, are reenacted to read:

1002.36 Florida School for the Deaf and the Blind.—

(7) PERSONNEL SCREENING.—

(a) The Board of Trustees of the Florida School for the Deaf and the Blind shall, because of the special trust or responsibility of employees of the school, require all employees and applicants for employment to undergo personnel screening and security background investigations as provided in chapter 435, using the level 2 standards for screening set forth in that chapter, as a condition of employment and continued employment. The cost of a personnel screening and security background investigation for an employee of the school shall be paid by the school. The cost of such a screening and investigation for an applicant for employment may be paid by the school.

(b) As a prerequisite for initial and continuing employment at the Florida School for the Deaf and the Blind:

1. The applicant or employee shall submit to the Florida School for the Deaf and the Blind a complete set of fingerprints taken by an authorized law enforcement agency or an employee of the Florida School for the Deaf and the Blind who is trained to take fingerprints. The Florida School for the Deaf and the Blind shall submit the fingerprints to the

Department of Law Enforcement for state processing and the Federal Bureau of Investigation for federal processing.

2.a. The applicant or employee shall attest to the minimum standards for good moral character as contained in chapter 435, using the level 2 standards set forth in that chapter under penalty of perjury.

b. New personnel shall be on a probationary status pending a determination of compliance with such minimum standards for good moral character. This paragraph is in addition to any probationary status provided for by Florida law or Florida School for the Deaf and the Blind rules or collective bargaining contracts.

3. The Florida School for the Deaf and the Blind shall review the record of the applicant or employee with respect to the crimes contained in s. 435.04 and shall notify the applicant or employee of its findings. When disposition information is missing on a criminal record, it shall be the responsibility of the applicant or employee, upon request of the Florida School for the Deaf and the Blind, to obtain and supply within 30 days the missing disposition information to the Florida School for the Deaf and the Blind. Failure to supply missing information within 30 days or to show reasonable efforts to obtain such information shall result in automatic disqualification of an applicant and automatic termination of an employee.

4. After an initial personnel screening and security background investigation, written notification shall be given to the affected employee within a reasonable time prior to any subsequent screening and investigation.

Section 108. For the purpose of incorporating the amendments to sections 943.0585 and 943.059, Florida Statutes, in references thereto, paragraph (a) of subsection (2) and subsection (6) of section 943.0582, Florida Statutes, are reenacted to read:

943.0582 Prearrest, postarrest, or teen court diversion program expunction.—

(2)(a) As used in this section, the term “expunction” has the same meaning ascribed in and effect as s. 943.0585, except that:

1. The provisions of s. 943.0585(4)(a) do not apply, except that the criminal history record of a person whose record is expunged pursuant to this section shall be made available only to criminal justice agencies for the purpose of determining eligibility for prearrest, postarrest, or teen court diversion programs; when the record is sought as part of a criminal investigation; or when the subject of the record is a candidate for employment with a criminal justice agency. For all other purposes, a person whose record is expunged under this section may lawfully deny or fail to acknowledge the arrest and the charge covered by the expunged record.

2. Records maintained by local criminal justice agencies in the county in which the arrest occurred that are eligible for expunction pursuant to this section shall be sealed as the term is used in s. 943.059.

(6) Expunction or sealing granted under this section does not prevent the minor who receives such relief from petitioning for the expunction or sealing of a later criminal history record as provided for in ss. 943.0585 and 943.059, if the minor is otherwise eligible under those sections.

Section 109. For the purpose of incorporating the amendment to section 943.059, Florida Statutes, in references thereto, subsections (7), (8), and (9) of section 943.053, Florida Statutes, are reenacted to read:

943.053 Dissemination of criminal justice information; fees.—

(7) Notwithstanding the provisions of s. 943.0525, and any user agreements adopted pursuant thereto, and notwithstanding the confidentiality of sealed records as provided for in s. 943.059, the sheriff of any county that has contracted with a private entity to operate a county detention facility pursuant to the provisions of s. 951.062 shall provide that private entity, in a timely manner, copies of the Florida criminal history records for its inmates. The sheriff may assess a charge for the Florida criminal history records pursuant to the provisions of chapter 119. Sealed records received by the private entity under this section remain confidential and exempt from the provisions of s. 119.07(1).

(8) Notwithstanding the provisions of s. 943.0525, and any user agreements adopted pursuant thereto, and notwithstanding the confidentiality of sealed records as provided for in s. 943.059, the Department of Corrections shall provide, in a timely manner, copies of the Florida criminal history records for inmates housed in a private state correctional facility to the private entity under contract to operate the facility pursuant to the provisions of s. 944.105 or s. 957.03. The department may assess a charge for the Florida criminal history records pursuant to the provisions of chapter 119. Sealed records received by the private entity under this section remain confidential and exempt from the provisions of s. 119.07(1).

(9) Notwithstanding the provisions of s. 943.0525 and any user agreements adopted pursuant thereto, and notwithstanding the confidentiality of sealed records as provided for in s. 943.059, the Department of Juvenile Justice or any other state or local criminal justice agency may provide copies of the Florida criminal history records for juvenile offenders currently or formerly detained or housed in a contracted juvenile assessment center or detention facility or serviced in a contracted treatment program and for employees or other individuals who will have access to these facilities, only to the entity under direct contract with the Department of Juvenile Justice to operate these facilities or programs pursuant to the provisions of s. 985.411. The criminal justice agency providing such data may assess a charge for the Florida criminal history records pursuant to the provisions of chapter 119. Sealed records received by the private entity under this section remain confidential and exempt from the provisions of s. 119.07(1). Information provided under this section shall be used only for the criminal justice purpose for which it was requested and may not be further disseminated.

Section 110. *Sections 393.135, 394.4593, and 916.1075, Florida Statutes, as created by this act, shall apply to offenses committed on or after July 1, 2004.*

Section 111. *(1) In the Department of Children and Family Services' Economic Self-Sufficiency Services program, the department may provide its eligibility determination functions either with department staff or through contract with at least two private vendors or with a combination of at least one private vendor and department employees, with the following restrictions:*

(a) With the exception of information technology, no contract with a private vendor shall be for a geographic area larger than a combined seven districts or combined three zones without the prior approval of the Legislative Budget Commission; and

(b) Department employees must provide the functions in at least one zone or combined 3 districts of the state if the department's proposed cost is competitive with private vendors.

(2) This section shall take effect upon this act becoming a law.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 6, lines 13-18, delete those lines and insert: conforming cross-references; amending s. 400.215, F.S., and reenacting paragraphs (b) and (c) of subsection (2) and subsection (3), relating to background screening requirements for certain nursing home personnel, for the purpose of incorporating the amendments to ss. 435.03 and 435.04, F.S., in references thereto; correcting a cross-reference; amending s. 400.964, F.S., and reenacting subsections (1), (2), and (7), relating to background screening requirements for certain personnel employed by intermediate care facilities for the developmentally disabled, for the purpose of incorporating the amendments to ss. 435.03 and 435.04, F.S., in references thereto; correcting a cross-reference; amending s. 435.045, F.S., and reenacting paragraph (a) of subsection (1), relating to requirements for the placement of dependent children, for the purpose of incorporating the amendment to s. 435.04, F.S., in a reference thereto; correcting a cross-reference; reenacting ss. 400.414(1)(f) and (g), 400.4174, 400.509(4)(a), (b), (c), (d), (f), and (g), 400.556(2)(c), 400.6065(1), (2), and (4), 400.980(4)(a), (b), (c), (d), (f), and (g), 409.175(2)(k), 409.907(8)(d), 435.05(1) and (3), 744.3135, and 985.04(2), F.S., relating to denial, revocation, or suspension of license to operate an assisted living facility; background screening requirements for certain personnel employed by assisted living facilities; registration of particular home health care service providers; denial, suspension, or revocation of license to operate adult day care centers; background screening requirements for certain

hospice personnel; background screening requirements for registrants of the health care service pools; the definition of "screening" in connection with the licensure of family foster homes, residential child-caring agencies, and child-placing agencies; background screening requirements of Medicaid providers; employment of persons in positions requiring background screening; credit and criminal investigations of guardians; and oaths, records, and confidential information pertaining to juvenile offenders, respectively, for the purpose of incorporating the amendments to ss. 435.03 and 435.04, F.S., in references thereto; reenacting ss. 400.512, 400.619(4), 400.6194(1), 400.953, 409.912(32), 435.07(4), 464.018(1)(e), 744.309(3), 744.474(12), and 985.407(4), F.S., relating to background screening of home health agency personnel, nurse registry personnel, companions, and homemakers; application and renewal of adult family-care home provider licenses; denial, revocation, or suspension of adult family-care home provider license; background screening of home medical equipment provider personnel and background screening requirements for certain persons responsible for managed care plans; exemptions from disqualification from employment; denial of nursing license and disciplinary actions against such licensees; disqualification of guardians; removal of guardians; and background screening requirements for certain Department of Juvenile Justice personnel, respectively, for the purpose of incorporating the amendment to s. 435.03, F.S., in references thereto; reenacting ss. 39.001(2)(b), 39.821(1), 110.1127(3)(a) and (c), 112.0455(12)(a), 381.0059(1), (2), and (4), 381.60225(1)(a), (b), (c), (d), (f), and (g), 383.305(7)(a), (b), (c), (d), (f), and (g), 390.015(3)(a), (b), (c), (d), (f), and (g), 394.875(13)(a), (b), (c), (d), (f), and (g), 395.0055(1), (2), (3), (4), (6), and (8), 395.0199(4)(a), (b), (c), (d), (f), and (g), 397.451(1)(a), 400.071(4)(a), (b), (c), (d), and (f), 400.471(4)(a), (b), (c), (d), (f), and (g), 400.506(2)(a), (b), (c), (d), (f), and (g), 400.5572, 400.607(3)(a), 400.801(4)(a), (b), (c), (d), (f), and (g), 400.805(3)(a), (b), (c), (d), (f), and (g), 400.906(5)(a), (b), (c), (d), (f), and (g), 400.931(5)(a), (b), (c), (e), and (f), 400.962(10)(a), (b), (c), (d), and (f), 400.991(7)(b) and (d), 402.302(2)(e), 402.305(2)(a), 402.3054(3), 483.30(2)(a), (b), (c), (d), (f), and (g), 483.101(2)(a), (b), (c), (d), (f), and (g), 744.1085(5), 984.01(2)(b), 985.01(2)(b), 1002.36(7)(a) and (b), F.S., relating to background screening requirements for certain Department of Children and Family Services personnel; qualifications of guardians ad litem; security checks of certain public officers and employees; background screening requirements of certain laboratory personnel in connection with the Drug-Free Workplace Act; background screening requirements for school health services personnel; background screening of certain personnel of the public health system; background screening and licensure of birth center personnel; background screening and licensure of abortion clinic personnel; background screening of direct service providers; background screening and licensure of personnel of intermediate care facilities for the developmentally disabled; background screening of mental health personnel; background screening and licensure of personnel of crisis stabilization units, residential treatment facilities, and residential treatment centers for children and adolescents; background screening and licensure of personnel of hospitals, ambulatory surgical centers, and mobile surgical facilities; background screening of certain personnel in connection with registration for private utilization reviews; background screening of certain service provider personnel; background screening and licensure of certain long-term care facility personnel; background screening and licensure of certain home health agency personnel; background screening and licensure of nurse registry applicants; background screening of certain adult day care center personnel; denial or revocation of hospice license; background screening and licensure of certain transitional living facility personnel; background screening and licensure of certain prescribed pediatric extended care center personnel; background screening and licensure of certain home medical equipment provider personnel; background screening and licensure of certain personnel of intermediate care facilities for the developmentally disabled; background screening and licensure of health care clinic personnel; the definition of "child care facility" in connection with background screening of operators; background screening requirements for personnel of child care facilities; background screening requirements for child enrichment service providers; background screening and licensure of certain personnel of multiphasic health testing centers; background screening and licensure of certain clinical laboratory personnel; regulation of professional guardians; background screening of certain Department of Juvenile Justice and Department of Children and Family Services personnel in connection with programs for children and families in need of services; and background screening of certain Department of Juvenile Justice and Department of Children and Family Services personnel in connection with juvenile justice programs, background screening of personnel of the Florida School for the Deaf and the Blind, respectively, for the purposes of incorporating the amendment to s. 435.04, F.S., in references thereto;

amending s. 394.4572, F.S.; requiring the department and the agency to check the employment history of a person when screening mental health personnel for employment; reenacting s. 943.0582(2)(a) and (6), F.S., relating to prearrest, postarrest, or teen court diversion program expansion for the purpose of incorporating the amendments to ss. 943.0585 and 943.059, F.S., in references thereto; reenacting s. 943.053(7), (8), and (9), F.S., relating to dissemination of criminal justice information, for the purpose of incorporating the amendment to s. 943.059, F.S., in references thereto; providing applicability; directing the Department of Children and Family Services to provide its eligibility determination functions with department staff or through contract, with certain restrictions; conforming to

Pursuant to Rule 4.19, **CS for CS for SB 1280** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

By direction of the President, the rules were waived and the Senate reverted to —

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Lee, the rules were waived and the Appropriations Conferees were granted permission to meet 15 minutes after recess this day for one hour to discuss the Appropriations conforming bills.

SPECIAL ORDER CALENDAR, continued

On motion by Senator Saunders—

CS for SB 1782—A bill to be entitled An act relating to guardianship; creating s. 744.7101, F.S.; providing a short title; creating s. 744.711, F.S.; providing legislative findings and intent relating to the Joining Forces for Public Guardianship program; creating s. 744.712, F.S.; establishing the grant program; providing for the program's purposes; creating s. 744.713, F.S.; providing for the administration of the program by the Statewide Public Guardianship Office; providing the duties and responsibilities of the office relating to the grant program; creating s. 744.714, F.S.; providing eligibility for grant awards; creating s. 744.715, F.S.; providing application requirements, an application process, and review criteria; amending s. 393.063, F.S.; redefining the term "guardian advocate" for purposes of provisions governing services for the developmentally disabled; amending s. 393.12, F.S.; exempting a guardian advocate from a requirement to file an annual accounting in certain situations; amending s. 744.102, F.S.; defining the term "guardian advocate" for purposes of the Florida Guardianship Law; amending s. 744.1083, F.S.; requiring that additional information be reviewed by the Statewide Public Guardianship Office prior to registering a professional guardian; creating s. 744.3085, F.S.; recommending that courts consider appointing a guardian advocate for persons with developmental disabilities as a less restrictive form of guardianship; amending s. 744.3135, F.S.; requiring the clerks of court to forward certain information to the Statewide Public Guardianship Office; amending s. 744.3678, F.S.; exempting a guardian from a requirement to file an annual accounting in certain situations; amending s. 744.7082, F.S.; defining the term "direct-support organization"; requiring the Secretary of Elderly Affairs to appoint a board of directors for the direct-support organization; authorizing such an organization to use property and facilities of the Department of Elderly Affairs and the Statewide Public Guardianship Office; requiring an annual audit of the organization; providing for the dissolution of entities improperly using the direct-support organization designation; amending ss. 121.091, 709.08, and 744.1085, F.S., relating to the designation of beneficiaries, the durable power of attorney, and the regulation of professional guardians; conforming cross-references; amending s. 744.3031, F.S.; extending the authority of an emergency temporary guardian for specified time periods; amending s. 744.3201, F.S.; requiring the petition to determine incapacity to include the telephone number of the petitioner and the alleged incapacitated person; amending s. 744.3215, F.S.; providing that if the right to contract is removed, the incapacitated person must receive court approval before getting married; amending s. 744.331, F.S.; requiring the chief judge of each judicial circuit to maintain a list of attorneys in the circuit and to appoint the attorneys to represent persons alleged to be incapacitated on a rotating basis; directing members of the examining committee to communicate with a person alleged to be incapacitated in the language or medium

used by the person alleged to be incapacitated; prohibiting a family member or attending physician from serving as a member of the examining committee; providing exceptions; requiring each member of the examining committee to consult with the family or attending physician; directing each member of the examining committee to file a report within a specified period; providing effective dates.

—was read the second time by title.

Senator Saunders moved the following amendments which were adopted:

Amendment 1 (183962)—On page 5, line 20, delete “10” and insert: 20

Amendment 2 (635768)—On page 9, line 8 and on page 10, lines 23 and 24, delete “or local government” and insert: , municipality, or any other public or private organization

Amendment 3 (310660)—On page 14, lines 15 and 16, delete those lines and insert: guardian under this subsection, the requirements of subsections (3) and (4) do subsection (3) shall not apply and the registration must shall include

Amendment 4 (024470)(with title amendment)—On page 24, line 21 through page 32, line 13, delete sections 18, 19, 20, and 21 and redesignate subsequent sections.

And the title is amended as follows:

On page 2, line 25 through page 3, line 20, delete those lines and insert: conforming cross-references; providing effective dates.

Pursuant to Rule 4.19, **CS for SB 1782** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Dockery—

CS for SB 1820—A bill to be entitled An act relating to seaport security standards; amending s. 311.12, F.S.; providing for legislative review of seaports not in substantial compliance with statewide minimum security standards by November 2005; requiring the Legislature to review certain security costs; prohibiting the expenditure of state funds without certification of need by the Office of Ports Administrator within the Department of Law Enforcement; providing an effective date.

—was read the second time by title.

The Committee on Criminal Justice recommended the following amendment which was moved by Senator Dockery and failed:

Amendment 1 (072284)(with title amendment)—On page 3, between lines 22 and 23, insert:

(7) *The seaport security director for each seaport identified in s. 311.09 or any agent or employee thereof designated by the seaport security director to maintain order and provide security within the seaport, who has probable cause to believe that a person is trespassing in a designated restricted access area of a seaport may take such person into custody and detain him or her in a reasonable manner for a reasonable length of time pending the arrival of a law enforcement officer. Such taking into custody and detention by an authorized person does not render that person criminally or civilly liable for false arrest, false imprisonment, or unlawful detention. If a trespasser is taken into custody, a law enforcement officer shall be called to the scene immediately after the person is taken into custody.*

And the title is amended as follows:

On page 1, line 11, after the semicolon (;) insert: specifying circumstances under which seaport security directors or designees may take a person into custody; providing an exemption from liability for false arrest for custody and detention by authorized persons;

Senator Dockery moved the following amendments which were adopted:

Amendment 2 (801554)—In title, on page 1, delete line 2 and insert: An act relating to domestic security;

Amendment 3 (291974)(with title amendment)—On page 3, between lines 22 and 23, insert:

Section 2. Section 1004.63, Florida Statutes, is created to read:

1004.63 Florida Institute for Nuclear Detection and Security (FINDS).—

(1) *There is created the Florida Institute for Nuclear Detection and Security at the University of Florida to serve as a design-basis center for research, development, testing, and engineering projects that directly address and satisfy critical nuclear detection and security needs facing the state and the nation. The institute shall be established within the Department of Nuclear Engineering and Radiological Sciences at the university and shall consist of faculty, support staff, and other staff funded by state, federal, and private funds collected for the purposes of the institute. The institute shall be headed by a director who shall be appointed by the Dean of the University of Florida College of Engineering, serving at the pleasure of the Dean, and who shall possess a national reputation in the field of nuclear sciences.*

(2) *The institute shall solicit and receive state, federal, and private funds for the purpose of conducting research and development in the area of nuclear security technology. The board shall ensure that the institute maintains accurate records of any funds received by the institute.*

(3) *Activities of the institute shall include, but not be limited to, the design and testing of innovative interrogation, detection, and assessment devices for monitoring nuclear material. Application areas shall include, but not be limited to: portal monitoring, wide area search and cargo screening applications; structural monitoring for post-tensioned bridges; biological and agricultural monitoring; and the development of non-proliferation policies.*

(4) *The institute shall explore development of devices for identification of isotopes and materials in structural, agricultural, and biological systems of various types.*

(5) *Through research and instructional programs, the faculty associated with the institute shall also contribute to the education and training of high-quality scientists and engineers in the application of engineering solutions in homeland security, detection, imaging, and interrogation of systems, and nonproliferation policy.*

(6)(a) *The activities of the institute shall be directed by the Florida Institute of Nuclear Detection and Security (FINDS) Board of Advisors, who shall serve without compensation and shall consist of eight members. Members of the board of advisors shall include, but are not limited to, a citizen of the State of Florida with interest in the area of public security; a faculty member from FINDS; a scientist of national reputation in the field of nuclear sciences; a representative of the nuclear energy industry in Florida; a representative of the national nuclear energy industry; a representative of the Federal government programs in nuclear energy or homeland security; a member of the Florida Senate Committee on Home Defense, Public Security, and Ports or other Senate standing committee of similar jurisdiction; and a member of the Florida House Coordinating Committee on Public Security or other House of Representatives standing committee of similar jurisdiction.*

(b) *Appointments for the initial terms shall be as follows:*

1. *Two members shall be appointed by the chair of the University of Florida Department of Nuclear Engineering and Radiological Sciences and shall be appointed to a term of 3 years;*

2. *Two members shall be appointed by the Dean of the University of Florida College of Engineering and shall be appointed to a term of 2 years;*

3. *Two members shall be appointed by the President of the University of Florida and shall be appointed to a term of 3 years; and*

4. *Two members shall be appointed by the Governor and shall be appointed to a term of 4 years.*

(c) *Members may serve one additional 4-year term.*

(d) *Board members shall serve without additional compensation or honorarium and are authorized to receive only per diem and reimbursement for travel expenses as provided in s. 112.061.*

(e) *The board may employ a director of the institute who serves at the pleasure of the board. The director of FINDS will be an ex officio member of the board of advisors.*

(7) *At the FINDS Board of Advisors first meeting, the chair of the Department of Nuclear Engineering at the University of Florida will act as chair for the purpose of convening the meeting, establishing the by-laws of the board, and electing the chair of the board.*

(8) *FINDS, through its board of advisors, shall submit an annual report on its progress, with recommendations on nuclear security and detection, to the Governor, the President of the Senate, and the Speaker of the House of Representatives. A copy of the report shall also be delivered to the United States National Nuclear Security Administration and the United States Department of Homeland Security. The report must also include financial statements that include an accounting of all state, federal, and private funds that are received by the institute, as well as an accounting of the expenditures of the institute. A copy of the financial statement shall also be provided to the Auditor General.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 11, after the semicolon (;) insert: 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 for members;

Pursuant to Rule 4.19, **CS for SB 1820** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 338** and **CS for SB 1824** was deferred.

On motion by Senator Posey—

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

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

—was read the second time by title.

Pursuant to Rule 4.19, CS for CS for SB 1982 was placed on the calendar of Bills on Third Reading.

Smith
Villalobos

Wasserman Schultz
Webster

Wilson
Wise

Nays—None

On motion by Senator Lynn—

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.

—was read the second time by title.

Pursuant to Rule 4.19, CS for CS for SB 2042 was placed on the calendar of Bills on Third Reading.

MOTIONS

On motion by Senator Smith, the Senate recalled from engrossing—

CS for CS for CS for CS for SB 700—A bill to be entitled An act relating to mental health; amending s. 394.455, F.S.; defining and redefining terms used in part I of ch. 394, F.S., “the Baker Act”; amending s. 394.4598, F.S., relating to guardian advocates; amending provisions to conform to changes made by the act; amending s. 394.4615, F.S., relating to confidentiality of clinical records; providing additional circumstances in which information from a clinical record may be released; amending s. 394.463, F.S.; revising criteria for an involuntary examination; revising requirements for filing a petition for involuntary placement; creating s. 394.4655, F.S.; providing for involuntary outpatient placement; providing criteria; providing procedures; providing for a voluntary examination for outpatient placement; providing for a petition for involuntary outpatient placement; requiring the appointment of counsel; providing for a continuance of hearing; providing procedures for the hearing on involuntary outpatient placement; providing a procedure for continued involuntary outpatient placement; amending s. 394.467, F.S., relating to involuntary placement; conforming terminology to changes made by the act; providing for rulemaking authority; providing for severability; providing an effective date.

—for further consideration.

On motion by Senator Smith, by two-thirds vote, CS for CS for CS for CS for SB 700 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

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

Consideration of CS for CS for SB 2722 was deferred.

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

CS for SB 1226—A bill to be entitled An act relating to the long-term-care service delivery system; amending s. 20.41, F.S.; requiring the area agency on aging board under the Department of Elderly Affairs to annually appoint an executive director; requiring the secretary of the department to annually evaluate the performance of the executive director; amending s. 409.912, F.S.; requiring the Department of Elderly Affairs to assess certain nursing home residents to facilitate their transition to a community-based setting; amending s. 430.04, F.S.; providing that the department may take intermediate measures against an area agency on aging if it exceeds its authority or fails to adhere to the terms of its contract with the department, adhere to the statutory provisions or departmental rules, properly determine client eligibility, or manage program budgets; amending s. 430.041, F.S.; locating the Office of Long-Term-Care Policy within the Department of Elderly Affairs for administrative purposes only; providing that the office and its director shall not be subject to control, supervision, or direction by the department; revising the purpose of the office; replacing the advisory council with an interagency coordinating team; specifying the composition of the interagency coordinating team; revising reporting requirements; amending s. 430.203, F.S.; redefining the terms “community care service system” and “lead agency”; amending s. 430.205, F.S.; requiring the Department of Elderly Affairs and the Agency for Health Care Administration to develop an integrated long-term-care service-delivery system; requiring the Department of Elderly Affairs and the agency to phase in implementation of the integrated long-term-care system; specifying timeframes and activities for each implementation phase; authorizing the agency to seek federal waivers to implement the changes; requiring the department to integrate certain database systems; requiring development of pilot projects; requiring the agency and the department to develop capitation rates for certain services; providing rulemaking authority to the agency and the department; requiring reports to the Governor and the Legislature; amending s. 430.7031, F.S.; requiring the department and the agency to review the case files of a specified percentage of Medicaid nursing home residents annually for the purpose of determining whether the residents are able to move to community placements; amending s. 430.705, F.S.; providing additional eligibility requirements for entities that provide services under the long-term-care community diversion pilot projects; requiring the annual evaluation and certification of capitation rates; providing additional requirements to be used in developing capitation rates for the pilot projects; amending s. 430.709, F.S.; providing additional requirements for evaluating the long-term-care diversion pilot projects; requiring a report to the Governor and the Legislature; providing an effective date.

—which was previously considered and amended this day with pending Amendment 4 (952608) by Senator Saunders.

Senator Saunders moved the following amendment to Amendment 4 which was adopted:

Amendment 4A (545168)(with title amendment)—On page 6, line 1 through page 7, line 6, delete those lines.

And the title is amended as follows:

On page 7, line 31 through page 8, line 3, delete those lines and insert: projects; providing an effective

Amendment 4 as amended was adopted.

Senator Bennett moved the following amendment which was adopted:

Amendment 5 (272488)(with title amendment)—On page 30, between lines 5 and 6, insert:

Section 10. Section 430.701, Florida Statutes, is amended to read:

430.701 Legislative findings and intent.—

(1) The Legislature finds that state expenditures for long-term care services continue to increase at a rapid rate and that Florida faces increasing pressure in its efforts to meet the long-term care needs of the public. It is the intent of the Legislature that the Department of Elderly Affairs, in consultation with the Agency for Health Care Administration, implement long-term care community diversion pilot projects to test the effectiveness of managed care and outcome-based reimbursement principles when applied to long-term care.

(2) The agency may seek federal approval in advance of approval of its formal waiver application to limit the diversion provider network by freezing enrollment of providers at current levels when an area already has three or more providers or, in an expansion area, when enrollment reaches a level of three providers. This subsection does not prevent the department from approving a provider to expand service to additional counties within a planning and service area for which the provider is already approved to serve.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 7, following the semicolon (;) insert: amending s. 430.701, F.S.; prescribing duties of the agency with respect to limiting the diversion provider network;

Pursuant to Rule 4.19, CS for SB 1226 as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

CONSENT CALENDAR

SB 142—A bill to be entitled An act relating to accessories to a crime; providing a short title; amending s. 777.03, F.S.; removing provisions that exempt certain members of an offender’s family from being charged with the offense of acting as an accessory after the fact; reenacting s. 921.0022(3)(h), F.S., relating to the Criminal Punishment Code, to incorporate the amendment to s. 777.03, F.S., in a reference thereto; providing an effective date.

—was read the second time by title.

The Committee on Criminal Justice recommended the following amendment which was moved by Senator Lynn and adopted:

Amendment 1 (713974)—On page 1, line 23, after “offender,” insert: , except a child under the age of eighteen at the time of the commission of the underlying felony, regardless of the relation to the offender,

On motion by Senator Lynn, by two-thirds vote SB 142 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—27

Table with 3 columns: Name, Name, Name. Rows include Mr. President, Alexander, Argenziano, Aronberg, Atwater, Bennett, Carlton, Cowin, Crist, Dawson, Diaz de la Portilla, Dockery, Fasano, Garcia, Haridopolos, Jones, Klein, Lee, Lynn, Peaden, Posey, Pruitt, Saunders, Smith, Villalobos, Wilson, Wise.

Nays—8

Table with 3 columns: Name, Name, Name. Rows include Bullard, Campbell, Clary, Constantine, Geller, Hill, Miller, Siplin.

Vote after roll call:

Yea to Nay—Haridopolos, Posey, Smith

Nay to Yea—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.

—was read the second time by title.

Senator Constantine moved the following amendments which were adopted:

Amendment 1 (661560)(with title amendment)—On page 1, line 20, insert:

Section 1. Subsection (3) of section 376.79, Florida Statutes, is amended to read:

376.79 Definitions relating to Brownfields Redevelopment Act.—As used in ss. 376.77-376.85, the term:

(3) “Brownfield sites” means real property, the expansion, redevelopment, or reuse of which may be sites that are generally abandoned, idled, or underused industrial and commercial properties where expansion or redevelopment is complicated by actual or perceived environmental contamination.

Section 2. Paragraph (b) of subsection (2), paragraph (c) of subsection (5), paragraph (b) of subsection (6) and subsection (7) of section 376.80, Florida Statutes, are amended to read:

376.80 Brownfield program administration process.—

(2)

(b) A local government shall designate a brownfield area under the provisions of this act provided that:

1. A person who owns or controls a potential brownfield site is requesting the designation and has agreed to rehabilitate and redevelop the brownfield site;

2. The rehabilitation and redevelopment of the proposed brownfield site will result in economic productivity of the area, along with the creation of at least 10 new permanent jobs at the brownfield site, whether full-time or part-time, which are not associated with the implementation of the brownfield site rehabilitation agreement and are not associated with redevelopment project demolition or construction activities pursuant to the redevelopment agreement required under paragraph (5)(i) or an agreement, between the person responsible for site rehabilitation and the local government with jurisdiction, which contains terms for the redevelopment of the brownfield site or brownfield area;

3. The redevelopment of the proposed brownfield site is consistent with the local comprehensive plan and is a permissible use under the applicable local land development regulations;

4. Notice of the proposed rehabilitation of the brownfield area has been provided to neighbors and nearby residents of the proposed area to be designated, and the person proposing the area for designation has afforded to those receiving notice the opportunity for comments and suggestions about rehabilitation. Notice pursuant to this subsection must be made in a newspaper of general circulation in the area, at least 16 square inches in size, and the notice must be posted in the affected area; and

5. The person proposing the area for designation has provided reasonable assurance that he or she has sufficient financial resources to implement and complete the rehabilitation agreement and redevelopment plan.

(5) The person responsible for brownfield site rehabilitation must enter into a brownfield site rehabilitation agreement with the department or an approved local pollution control program if actual contamina-

tion exists at the brownfield site. The brownfield site rehabilitation agreement must include:

(c) A commitment to conduct site rehabilitation in accordance with ~~department quality assurance rules~~ ~~an approved comprehensive quality assurance plan under department rules~~;

(6) Any contractor performing site rehabilitation program tasks must demonstrate to the department that the contractor:

(b) Has obtained *the necessary approvals for conducting sample collection and analyses pursuant to approval for the comprehensive quality assurance plan prepared under department rules.*

(7) The contractor *who is performing the majority of the site rehabilitation program tasks pursuant to a brownfield site rehabilitation agreement or supervising the performance of such tasks by licensed subcontractors in accordance with the provisions of s. 489.113(9)* must certify to the department that the contractor:

(a) Complies with applicable OSHA regulations.

(b) Maintains workers' compensation insurance for all employees as required by the Florida Workers' Compensation Law.

(c) Maintains comprehensive general liability coverage with limits of not less than \$1 million per occurrence and \$2 million general aggregate for bodily injury and property damage and comprehensive automobile liability coverage insurance with minimum limits of not less than \$2 at least \$1 million combined single limit. The contractor shall also maintain pollution liability coverage with limits of not less than \$3 million aggregate for personal injury or death, \$1 million per occurrence for personal injury or death, and \$1 million per occurrence for property damage. The contractor's certificate of insurance shall name ~~per claim and \$1 million annual aggregate, sufficient to protect it from claims for damage for personal injury, including accidental death, as well as claims for property damage which may arise from performance of work under the program, designating~~ the state as an additional insured party.

(d) Maintains professional liability insurance of at least \$1 million per claim occurrence and \$1 million annual aggregate.

~~(e) Has the capacity to perform or directly supervise the majority of the work at a site in accordance with s. 489.113(9).~~

Section 3. Subsection (1) of section 376.82, Florida Statutes, is amended, and paragraph (1) is added to subsection (2) of said section, to read:

376.82 Eligibility criteria and liability protection.—

(1) ELIGIBILITY.—Any person who has not caused or contributed to the contamination of a brownfield site on or after July 1, 1997, is eligible to participate in the brownfield ~~rehabilitation~~ program established in ss. 376.77-376.85, subject to the following:

(a) Potential brownfield sites that are subject to an ongoing formal judicial or administrative enforcement action or corrective action pursuant to federal authority, including, but not limited to, the Comprehensive Environmental Response Compensation and Liability Act, 42 U.S.C. ss. 9601 et seq., as amended; the Safe Drinking Water Act, 42 U.S.C. ss. 300f-300i, as amended; the Clean Water Act, 33 U.S.C. ss. 1251-1387, as amended; or under an order from the United States Environmental Protection Agency pursuant to s. 3008(h) of the Resource Conservation and Recovery Act, as amended (42 U.S.C.A. s. 6928(h)); or that have obtained or are required to obtain a permit for the operation of a hazardous waste treatment, storage, or disposal facility; a postclosure permit; or a permit pursuant to the federal Hazardous and Solid Waste Amendments of 1984, are not eligible for participation unless specific exemptions are secured by a memorandum of agreement with the United States Environmental Protection Agency pursuant to paragraph (2)(g). A brownfield site within an eligible brownfield area that subsequently becomes subject to formal judicial or administrative enforcement action or corrective action under such federal authority shall have its eligibility revoked unless specific exemptions are secured by a memorandum of agreement with the United States Environmental Protection Agency pursuant to paragraph (2)(g).

(b) Persons who have not caused or contributed to the contamination of a brownfield site on or after July 1, 1997, and who, prior to the

department's approval of a brownfield site rehabilitation agreement, are subject to ongoing corrective action or enforcement under state authority established in this chapter or chapter 403, including those persons subject to a pending consent order with the state, are eligible for participation in a brownfield *site rehabilitation agreement* ~~corrective action~~ if:

1. The proposed brownfield site is currently idle or underutilized as a result of the contamination, and participation in the brownfield program will immediately, after cleanup or sooner, result in increased economic productivity at the site, including at a minimum the creation of 10 new permanent jobs, whether full-time or part-time, which are not associated with implementation of the brownfield site *rehabilitation agreement* ~~corrective action plan~~; and

2. The person is complying in good faith with the terms of an existing consent order or department-approved corrective action plan, or responding in good faith to an enforcement action, as evidenced by a determination issued by the department or an approved local pollution control program.

(c) Potential brownfield sites owned by the state or a local government which contain contamination for which a governmental entity is potentially responsible and which are already designated as federal brownfield pilot projects or have filed an application for designation to the United States Environmental Protection Agency are eligible for participation in a brownfield *site rehabilitation agreement* ~~corrective action~~.

(d) After July 1, 1997, petroleum and drycleaning contamination sites shall not receive both restoration funding assistance available for the discharge under this chapter and any state assistance available under s. 288.107. Nothing in this act shall affect the cleanup criteria, priority ranking, and other rights and obligations inherent in petroleum contamination and drycleaning contamination site rehabilitation under ss. 376.30-376.319, or the availability of economic incentives otherwise provided for by law.

(2) LIABILITY PROTECTION.—

(1) *When a property, including a brownfield site, escheats to a county, the county is not subject to any liability imposed by this chapter or chapter 403 for preexisting soil or groundwater contamination due solely to its ownership. However, this paragraph does not affect the rights or liabilities of any past or future owners of the escheated property and does not affect the liability of any governmental entity for the results of its actions that create or exacerbate a pollution source. The county and the Department of Environmental Protection may enter into a written agreement for the performance, funding, and reimbursement of the investigative and remedial acts necessary for a property that escheats to the county.*

And the title is amended as follows:

On page 1, delete line 3 and insert: amending s. 376.79, F.S.; revising the definition of "brownfield sites"; amending s. 376.80, F.S.; revising a condition under which a local government is required to designate a brownfield area; revising a required component of a brownfield site rehabilitation agreement; revising a requirement of a contractor performing site rehabilitation program tasks; revising contractor requirements that must be certified to the Department of Environmental Protection; revising and providing additional insurance requirements; amending s. 376.82, F.S.; revising terminology with respect to eligibility to participate in the brownfield rehabilitation program; authorizing a county and the Department of Environmental Protection to enter into a written agreement for the performance, funding, and reimbursement of investigative and remedial acts necessary for a property that escheats to the county; amending s. 376.86, F.S.; revising certain

Amendment 2 (265654)(with title amendment)—On page 2, line 24 through page 3, line 16, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 1, lines 8-16, delete those lines and insert: providing an

On motion by Senator Constantine, by two-thirds vote **CS for SB 338** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

SB 412—A bill to be entitled An act relating to the determination of resident status for tuition purposes; amending s. 1009.21, F.S.; classifying certain liaison officers and their spouses and dependent children as residents for tuition purposes; providing an effective date.

—was read the second time by title. On motion by Senator Bullard, by two-thirds vote **SB 412** was read the third time by title, 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 500—A bill to be entitled An act relating to traffic control; amending s. 316.1945, F.S.; prohibits stopping a vehicle in a school safety zone during school hours, except in a designated loading or unloading area; permitting parking in school safety zones; providing a definition of school hours; providing a definition of school safety zone; providing an effective date.

—was read the second time by title.

Senator Campbell moved the following amendment which was adopted:

Amendment 1 (753158)(with title amendment)—On page 1, lines 21-31, delete those lines and insert:

(d) Stop a vehicle within a school zone, as described in s. 316.1895, of any public or private elementary school to load or unload passengers during such times as the school zone speed limit is in force, except in a designated loading and unloading area. This paragraph may not be construed to prohibit parking in a school zone.

And the title is amended as follows:

On page 1, lines 3-8, delete those lines and insert: 316.1945, F.S.; prohibiting stopping a vehicle in a school zone to load or unload passengers when the school zone speed limit is in force; providing exceptions;

On motion by Senator Campbell, by two-thirds vote **CS for CS for SB 500** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Miller
Alexander	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	Lee	Wilson
Crist	Margolis	Wise

Nays—1

Lynn

SB 1198—A bill to be entitled An act relating to specialty license plates; amending s. 320.08056, F.S.; increasing the annual use fee for the Florida educational license plate; providing an effective date.

—was read the second time by title. On motion by Senator Clary, by two-thirds vote **SB 1198** was read the third time by title, 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 SB 1208—A bill to be entitled An act relating to timeshare plans; amending s. 721.02, F.S.; revising language with respect to legislative purpose under the Florida Vacation Plan and Timesharing Act; amending s. 721.03, F.S.; revising language with respect to the scope of the act to include reference to personal property timeshare plans; amending s. 721.05, F.S.; providing definitions; amending s. 721.06, F.S.; revising language with respect to contracts for purchase of timeshare interests to include provisions with respect to personal property timeshare interests; amending s. 721.065, F.S.; revising language with respect to resale purchase agreements to include reference to certain real property and personal property timeshare plans; amending s. 721.07, F.S.; revising language with respect to public offering statements; amending s. 721.075, F.S.; revising language with respect to incidental benefits; requiring purchasers to execute a statement indicating the source of the benefit; amending s. 721.08, F.S.; revising language with respect to escrow accounts; amending s. 721.09, F.S.; revising language with respect to reservation agreements; amending s. 721.11, F.S.; revising language with respect to advertising materials; correcting cross-references; amending s. 721.12, F.S.; providing for required record-keeping by the seller of a personal property timeshare plan; amending s. 721.13, F.S.; revising language with respect to management; correcting a cross-reference; amending s. 721.14, F.S.; providing that a section of law governing the discharge of the managing entity shall not apply with respect to personal property timeshare plans; amending s. 721.15, F.S.; revising language with respect to assessments for common expenses; amending s. 721.16, F.S.; providing that a section of law governing certain liens does not apply to personal property timeshare plans;

amending s. 721.17, F.S.; revising language with respect to transfer of interest; amending s. 721.18, F.S.; revising language with respect to exchange programs; amending s. 721.19, F.S.; including reference to personal property timeshare interests; amending s. 721.20, F.S., relating to licensing requirements; providing for the application of certain provisions to personal property timeshare plans; amending s. 721.24, F.S.; exempting accommodations and facilities of personal property timeshare plans from a provision of law governing firesafety; amending s. 721.26, F.S.; revising language with respect to regulation by the division; amending s. 721.52, F.S.; redefining the term "multisite timeshare plan" and defining the terms "nonspecific multisite timeshare plan" and "specific multisite timeshare plan"; amending s. 721.53, F.S.; revising language with respect to subordination instruments; amending s. 721.54, F.S.; correcting a cross-reference; amending s. 721.55, F.S.; providing reference to filed rather than registered public offering statements; providing reference to multisite timeshare plans; amending s. 721.551, F.S.; providing for reference to filed rather than registered public offering statements; amending s. 721.552, F.S.; providing reference to multistate timeshare plans; amending s. 721.56, F.S.; providing reference to personal property timeshare plans; amending s. 721.57, F.S.; revising language with respect to timeshare estates in multisite timeshare plans; amending s. 721.84, F.S.; revising language with respect to appointment of a registered agent; amending ss. 721.96 and 721.97, F.S.; including reference to personal property timeshare interests; amending ss. 475.011 and 718.103, F.S.; correcting cross-references; providing for applicability; providing an effective date.

—was read the second time by title.

The Committee on Judiciary recommended the following amendment which was moved by Senator Webster and adopted:

Amendment 1 (495318)—On page 87, line 5, after the period (.) insert: *The consent to receive notice by electronic mail is effective until revoked by the purchaser.*

Senator Webster moved the following amendments which were adopted:

Amendment 2 (560298)—On page 4, line 22 through page 5, line 3, delete those lines and insert:

Section 2. Subsection (8) of section 721.03, Florida Statutes, is amended to read:

721.03 Scope of chapter.—

Amendment 3 (171992)(with title amendment)—On page 125, line 3, after "country" insert: *or any possession, territory, or commonwealth of the United States outside the 50 states*

And the title is amended as follows:

On page 3, line 19, after the semicolon (;) insert: including a possession, territory, or commonwealth of the United States that is located outside the 50 states in the areas where the Governor may appoint a timeshare commissioner of deeds;

On motion by Senator Webster, by two-thirds vote **CS for SB 1208** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40

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

Wasserman Schultz Wilson Wise
Webster
Nays—None

CS for CS for SB's 1228 and 2080—A bill to be entitled An act relating to resident status for tuition purposes; amending s. 1009.21, F.S.; classifying as residents for tuition purposes certain active duty members of a foreign nation's military, dependent children of certain active duty members of the United States Armed Services, and certain employees of international multilateral organizations; providing an exemption from payment of nonresident tuition at community colleges and state universities for certain students meeting eligibility criteria; amending s. 1009.40, F.S., relating to general requirements for eligibility for state financial aid; specifying procedures for determining residential status for purposes of receiving such awards; providing an effective date.

—was read the second time by title. On motion by Senator Wilson, by two-thirds vote **CS for CS for SB's 1228 and 2080** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Alexander	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	Webster
Constantine	Lawson	Wilson
Cowin	Lee	Wise
Crist	Lynn	
Dawson	Miller	

Nays—None

CS for CS for SB 1358—A bill to be entitled An act relating to enterprise zones; amending s. 290.0065, F.S.; authorizing certain counties or municipalities to apply to the Office of Tourism, Trade, and Economic Development to change enterprise zone boundaries; prescribing conditions and deadlines related to the boundary changes; amending s. 290.00675, F.S.; authorizing the office to approve requests to amend the boundaries of enterprise zones in two communities with specified populations; limiting the size by which the enterprise zones may increase; requiring that the applications for enterprise zone boundaries be filed by a specified date; amending s. 290.00688, F.S.; deleting census tract provisions relating to the boundaries of an enterprise zone in Leon County; creating ss. 290.00702, 290.00703, and 290.00704, F.S.; authorizing Osceola County or Osceola County and the City of Kissimmee jointly, the City of South Daytona, and the City of Lake Wales to apply to the office for designation of enterprise zones; providing requirements and conditions with respect thereto; authorizing Walton County, Miami-Dade County or Miami-Dade County and the City of West Miami jointly, and Miami-Dade County and the City of Hialeah jointly to apply to the office for designation of enterprise zones; providing requirements and conditions with respect thereto; authorizing the governing bodies of certain counties to apply to the office to change the boundaries of enterprise zones; requiring the office to approve the application under certain circumstances; providing requirements; prescribing conditions and deadlines related to the boundary changes; providing for severability of provisions in the act; providing effective dates.

—was read the second time by title. On motion by Senator Garcia, by two-thirds vote **CS for CS for SB 1358** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Aronberg	Bullard
Alexander	Atwater	Carlton
Argenziano	Bennett	Clary

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

Nays—None

Yeast—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 SB 1394—A bill to be entitled An act relating to immunity from civil liability; creating s. 768.37, F.S.; providing to certain entities immunity from civil liability for personal injury or wrongful death based upon long-term consumption of certain foods or nonalcoholic beverages under certain circumstances; providing applicability; providing a limitation on immunity; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 1394** to **HB 333**.

Pending further consideration of **CS for SB 1394** as amended, on motion by Senator Smith, by two-thirds vote **HB 333** was withdrawn from the Committees on Health, Aging, and Long-Term Care; Judiciary; and Agriculture.

On motion by Senator Smith—

HB 333—A bill to be entitled An act relating to immunity from civil liability; creating s. 768.37, F.S.; providing to certain entities immunity from civil liability for personal injury or wrongful death based upon long-term consumption of certain foods or nonalcoholic beverages under certain circumstances; providing application; providing a limitation on immunity; providing an effective date.

—a companion measure, was substituted for **CS for SB 1394** as amended and read the second time by title. On motion by Senator Smith, by two-thirds vote **HB 333** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeast—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 SB 1632—A bill to be entitled An act relating to prevention and control of communicable diseases; amending s. 381.003, F.S.; requiring the Department of Health to adopt certain standards applicable to all public sector employers; providing an exception for certain public sector employers to certain blood-borne-pathogen standards adopted by the Department of Health; requiring the compilation and maintenance of certain information by the department for use by employers; providing an effective date.

—was read the second time by title. On motion by Senator Hill, by two-thirds vote **CS for SB 1632** was read the third time by title, passed and certified to the House. The vote on passage was:

Consideration of **CS for SB 1788** was deferred.

CS for SB 1824—A bill to be entitled An act relating to veterinary prescription drugs; amending s. 499.003, F.S.; defining the term “veterinary prescription drug wholesaler”; amending s. 499.01, F.S.; requiring a person or establishment to obtain a permit in order to operate as a veterinary prescription drug wholesaler; amending s. 499.012, F.S.; requiring a person to have a veterinary prescription drug wholesaler permit to distribute veterinary prescription drugs in or into this state; requiring a veterinary prescription drug wholesaler that also distributes human prescription drugs that it did not manufacture to obtain a prescription drug wholesaler or out-of-state prescription drug wholesaler permit in lieu of the veterinary prescription drug wholesaler permit; amending s. 499.0121, F.S.; requiring certain prescription wholesalers to use due diligence when purchasing prescription drugs from others; amending s. 499.041, F.S.; requiring an annual fee for a veterinary prescription drug wholesaler’s permit; amending s. 499.065, F.S.; requiring the Department of Health to inspect veterinary prescription drug wholesale establishments; authorizing the department to close such establishment if it creates an imminent danger to the public health; providing an effective date.

—was read the second time by title.

Senator Fasano moved the following amendment which was adopted:

Amendment 1 (042370)—On page 4, lines 1-3, delete those lines and insert: distributor, a prescription drug wholesaler, an out-of-state prescription drug wholesaler, or a prescription drug repackager a wholesaler drug distributor must:

On motion by Senator Fasano, by two-thirds vote **CS for SB 1824** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeast—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

SENATOR WEBSTER PRESIDING

On motion by Senator Diaz de la Portilla, by two-thirds vote **HB 639** was withdrawn from the Committee on Banking and Insurance.

On motion by Senator Diaz de la Portilla, by two-thirds vote—

HB 639—A bill to be entitled An act relating to insurance guaranty associations; amending ss. 631.54 and 631.904, F.S.; revising the definition of covered claim; excluding certain claims rejected by another state s guaranty fund under certain circumstances; denying member insurers any right to indemnification or contribution sought through third parties; providing an effective date.

—a companion measure, was substituted for **CS for SB 2070** and by two-thirds vote read the second time by title. On motion by Senator Diaz de la Portilla, by two-thirds vote **HB 639** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	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	Lee	Wilson
Crist	Margolis	Wise
Dawson	Miller	

Nays—None

Vote after roll call:

Yea—Lynn

CS for CS for SB 2188—A bill to be entitled An act relating to land development; amending s. 197.502, F.S.; providing for the issuance of an escheatment tax deed that is free and clear of any tax certificates, accrued taxes, and liens of any nature for certain properties; providing immunity for a county from environmental liability for certain properties that escheat to the county; providing for a written agreement between a county and the Department of Environmental Protection which addresses any investigative and remedial acts necessary for certain properties; providing legislative findings with respect to the shortage of affordable rentals in the state; providing a statement of important public purpose; providing definitions; authorizing local governments to permit accessory dwelling units in areas zoned for single-family residential use based upon certain findings; providing for certain accessory dwelling units to apply towards satisfying the affordable housing component of the housing element in a local government’s comprehensive plan; requiring the Department of Community Affairs to report to the Legislature; amending s. 163.3167, F.S.; requiring a local government to address certain water supply sources in its comprehensive plan; amending s. 163.3177, F.S.; providing that rural land stewardship area designation should be specifically encouraged as an overlay on the future land use map; extending the deadline for certain information to be included in a comprehensive plan; requiring a work plan to be updated at certain intervals; requiring the Department of Community Affairs, in cooperation with other specified state agencies, to provide assistance to local governments in implementing provisions relating to rural land stewardship areas; providing for multicounty rural land stewardship areas; revising requirements, including the acreage threshold for designating a rural land stewardship area; providing that transferable rural land use credits may be assigned at different ratios according to the natural resource or other beneficial use characteristics of the land; providing legislative findings regarding mixed-use, high-density urban infill and redevelopment projects; requiring the Department of Community Affairs to provide technical assistance to local governments; providing legislative findings regarding a program for the transfer of development rights and urban infill and redevelopment; requiring the Department of Community Affairs to provide technical assistance to local governments;

amending s. 163.3187, F.S.; providing an exception to the limitation on the frequency of plan amendments; amending s. 288.107, F.S.; reducing the number of jobs that must be created for participation in the brown-field redevelopment bonus refund; amending s. 376.86, F.S.; increasing the percentage of a primary lender loan to which the limited state loan guaranty applies for redevelopment projects in brownfield areas; amending s. 718.103, F.S.; prohibiting any state, county, or municipal entity from being deemed a developer for purposes of s. 718.103, F.S.; amending s. 718.401, F.S.; prohibiting any association, owner, or third party from purchasing the fee interest of any real property owned by a county or municipal entity, unless agreed to by the governmental entity; providing an effective date.

—was read the second time by title.

Senator Geller moved the following amendment which was adopted:

Amendment 1 (364634)(with title amendment)—On page 20, line 12 through page 22, line 17, delete those lines.

And the title is amended as follows:

On page 2, line 30 through page 3, line 13, delete those lines.

On motion by Senator Geller, by two-thirds vote **CS for CS for SB 2188** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

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

On motion by Senator Peaden, by two-thirds vote **HB 1457** was withdrawn from the Committees on Regulated Industries; and Governmental Oversight and Productivity.

On motion by Senator Peaden—

HB 1457—A bill to be entitled An act relating to land surveying and mapping; amending s. 472.019, F.S.; authorizing and providing conditions, including fees, for the reinstatement and reissuance of licenses for certain individuals whose licenses became null under specified circumstances; providing for future repeal; providing an effective date.

—a companion measure, was substituted for **CS for SB 2248** and read the second time by title.

Senator Peaden moved the following amendment which was adopted:

Amendment 1 (151192)(with title amendment)—On page 1, delete everything after the enacting clause: and insert:

Section 1. (1) *The Department of Business and Professional Regulation shall reinstate and reissue the license by July 1, 2005, of each individual whose license to practice surveying and mapping under chapter 472, Florida Statutes, has become null if all of the following circumstances and qualifications are met:*

(a) *The individual’s license was scheduled to be renewed during the biennium period beginning in 2001.*

(b) *The license of the individual was in good standing at the time of the beginning of the renewal cycle.*

(c) The individual properly petitioned the department for relief relating to the circumstances under which the license became null.

(d) During the period that the license was null, the individual did not commit a felony, violate a practice act, or engage in unlicensed activity for which a penalty is imposed.

(2) The individual must submit an application to the Board of Professional Surveyors and Mappers for reinstatement in a manner prescribed by rules of the board and pay the appropriate application fee in an amount equal to the fee currently imposed for initial licensure.

(3) This act expires July 1, 2005.

Section 2. This act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1, delete everything before the enacting clause and insert: A bill to be entitled An act relating to the practice of surveying and mapping; requiring the Department of Business and Professional Regulation to reinstate and reissue certain licenses to practice surveying and mapping if specified circumstances and qualifications are met by the applicant; requiring that an application be submitted to the Board of Professional Surveyors and Mappers as prescribed by rule; providing for an application fee; providing for expiration of the act; providing an effective date.

On motion by Senator Peaden, by two-thirds vote HB 1457 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Alexander	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	
Diaz de la Portilla	Peaden	

Nays—1

Lee

Vote after roll call:

Yea—Argenziano

Yea to Nay—Campbell, Garcia, Villalobos

CS for SB 2294—A bill to be entitled An act relating to recreational and fishing working waterfronts; providing legislative findings; providing a definition; requiring the Fish and Wildlife Conservation Commission to conduct a study of the future demand and economic impact of recreational and fishing working waterfronts; requiring a report to the Governor, the Cabinet, and the Legislature; providing for funding the study; providing an effective date.

—was read the second time by title. On motion by Senator Atwater, by two-thirds vote CS for SB 2294 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Campbell	Dawson
Argenziano	Carlton	Diaz de la Portilla
Aronberg	Clary	Dockery
Atwater	Constantine	Fasano
Bennett	Cowin	Garcia
Bullard	Crist	Geller

Haridopolos	Margolis	Siplin
Hill	Miller	Smith
Jones	Peaden	Villalobos
Klein	Posey	Wasserman Schultz
Lawson	Pruitt	Webster
Lee	Saunders	Wilson
Lynn	Sebesta	Wise
Nays—None		

CS for SM 2522—A memorial to the Congress of the United States, urging the United States Department of Defense to award the contract for the creation, development, and implementation of the Mobile User Objective System, known as MUOS, to the project team led by the Raytheon Corporation in partnership with Honeywell Space Systems, however, if the contract is awarded to another project team, the Florida Senate would be supportive of that decision.

WHEREAS, one of the most important components of an effective and efficient military, whether in periods of war or peace, is its communications system, and

WHEREAS, because the military superiority of the United States is based in large part on the use of technologically advanced weaponry and weapons systems, it is of the utmost importance that the United States military utilize an equally advanced communications system, and

WHEREAS, the communications system currently being used by the servicemen and servicewomen of the United States Armed Forces provides limited connectivity and will fall below useful performance standards by 2009, and

WHEREAS, the Mobile User Objective System, known as MUOS, is a massive and dynamic communications network being developed for the safety and security of the United States military, and

WHEREAS, MUOS, the United States Navy’s next-generation satellite communication system, solves the limitation problems of the current system by providing a replacement which will enable worldwide ground communications among all branches of the United States military by 2009, and

WHEREAS, with the MUOS system, American military personnel will have reliable radio communications capabilities from the air, ground, or sea, whether they are fighting in dense jungle terrain or in urban war zones, and

WHEREAS, more importantly, because of its effectiveness and efficiency, the MUOS communications system will save the lives of men and women serving in the United States Armed Forces, and

WHEREAS, the United States Navy is scheduled to award the \$6.2 billion contract for the MUOS system in the first quarter of 2004, and

WHEREAS, Raytheon Corporation’s St. Petersburg Division, in partnership with Honeywell Space Systems in Clearwater, is currently competing for the contract, and

WHEREAS, under Raytheon’s proposal, Raytheon would serve as the prime contractor, responsible for overall system design, integration, and communications software, and Honeywell would develop the satellite’s computer, which would provide control of the payload that transmits signals among aircraft, ships, military ground stations, military vehicles, and military personnel, and

WHEREAS, the Raytheon/Honeywell Florida team has the expertise and commitment to develop the technology, talent, and resources needed to secure this project, and

WHEREAS, the MUOS contract would create an estimated 1,000 high-technology jobs along the Interstate-4 corridor, paying an average salary of \$65,000 per year, with staffing beginning in mid-2004 and building to full strength in 2005, and

WHEREAS, the high-wage project work would be spread throughout Clearwater, Tampa, Orlando, and the Kennedy Space Center, with labor income generated by the MUOS project averaging \$65 million per year by the end of 2005, and

WHEREAS, the MUOS contract is scheduled to be completed in 2013 after the full constellation of satellites and ground systems are in operation, and

WHEREAS, in keeping with Florida's long and proud history in space integration and launch operations, securing the MUOS contract would open the door for an influx of aerospace technology work in the state, thus elevating the stature of Florida's technology base, and

WHEREAS, MUOS would be a catalyst to increase engineering and high-tech job opportunities in Florida, attracting companies serving both the space and defense industry, and

WHEREAS, the initiation of the MUOS project would stimulate business, engineering, and computer-related talents within Florida's universities and would generate the required specialized competencies among our graduates who are seeking high-technology careers, and

WHEREAS, MUOS would establish Florida as a premier academic, scientific, and technology leader in the nation, and

WHEREAS, state university officials are eager to partner in this venture which would capitalize on the considerable intellectual resources within our state university system, and

WHEREAS, by mobilizing the resources within its institutions of higher education through internships, Florida would cultivate a workforce that is focused on high-technology and produce a steady stream of professionals who are prepared to bring innovative advancements to the space research and development industry, and

WHEREAS, the State of Florida is committed to assisting in MUOS technology development, is committed to recruiting engineers to support the MUOS project and retaining trained engineers and scientists within the state, and recognizes the need to support and enhance high-technology research in Florida's universities, NOW, THEREFORE,

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

That the Senate of the State of Florida urges the United States Department of Defense to award the contract for the creation, development, and implementation of the Mobile User Objective System, known as MUOS, to the project team led by the Raytheon Corporation in partnership with Honeywell Space Systems.

BE IT FURTHER RESOLVED that the Senate of the State of Florida recognizes that other qualified contractors are also bidding for this project and should the Department of Defense award the MUOS contract to another project team the Senate of the State of Florida would be supportive of that decision.

BE IT FURTHER RESOLVED that copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, to the United States Secretary of Defense, and to each member of the Florida delegation to the United States Congress.

—was read the second time in full. On motion by Senator Jones, **CS for SM 2522** was adopted and certified to the House. The vote on adoption was:

Yeas—38

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

Villalobos	Webster	Wise
Wasserman Schultz	Wilson	
Nays—None		

Vote after roll call:

Yea—Posey

CS for CS for CS for SB 2676—A bill to be entitled An act relating to transportation and sale of cigarettes; amending s. 210.01, F.S.; revising and providing definitions; amending s. 210.05, F.S.; providing stamp requirements for cigarettes in transport; providing stamp exceptions for certain cigarettes; requiring transporters of certain cigarettes to submit certain reports; amending s. 210.06, F.S.; revising requirements for and limitations on the affixation of stamps; providing requirements with respect to receipt, possession, storage, and transport of unstamped cigarette packages; creating s. 210.085, F.S.; requiring manufacturers, importers, distributing agents, dealers, and retail dealers to hold a current, valid permit to sell, distribute, or receive cigarettes; amending s. 210.09, F.S.; providing notice and filing guidelines for certain person shipping unstamped cigarette packages; authorizing certain law enforcement officials to inspect certain shipping vehicles; amending s. 210.12, F.S.; authorizing the state to claim certain property and materials from certain dealers and retailers who attempt to defraud the state; authorizing the destruction of certain cigarettes; amending s. 210.15, F.S.; providing criteria for permit application; prohibiting issuance, maintenance, or renewal of certain permits for certain applicants; providing guidelines for permit application denial; amending s. 210.18, F.S.; expanding the group of violators subject to criminal liability; prohibiting the sale or possession for sale of counterfeit cigarettes; providing penalties; creating s. 210.181, F.S.; providing civil penalties for failure to comply with certain duties or pay certain taxes; reenacting ss. 772.102(1)(a) and 895.02(1)(a), F.S., relating to crimes constituting a "criminal activity" and definitions as used in the Florida RICO Act, to incorporate the amendment to s. 210.18, F.S., in references thereto; providing an appropriation and authorizing positions; providing an effective date.

—was read the second time by title. On motion by Senator Haridopolos, by two-thirds vote **CS for CS for CS for SB 2676** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—1

Wilson

ABSTENTION FROM VOTING

I abstained from voting on CS for CS for CS for SB 2676 because of a possible conflict of interest due to a case that my firm is presently involved in dealing with a similar subject matter.

Walter G. "Skip" Campbell, Jr., 32nd District

CS for CS for SB 2774—A bill to be entitled An act relating to the wireless emergency telephone system; amending s. 11.45, F.S.; removing the annual audit of the Wireless Emergency Telephone System Fund from the duties of the Auditor General; amending s. 365.172, F.S.; adding definitions relating to wireless telephone communications; revising duties of the Wireless 911 Board; providing for an executive director,

services of an attorney, and the appointment of a subcommittee; requiring a report by the subcommittee; providing legislative intent regarding the emergency wireless telephone system; providing standards for local governments to follow when regulating the placement, construction, or modification of a wireless communications facility; directing local governments to grant or deny properly completed applications within specified time periods; providing procedures for a provider of wireless communications services to submit an application for local approval; directing local governments to notify a provider of the deficiencies in an application; directing local governments to notify a provider whether the resubmission of information properly completes the application; permitting local governments to continue requesting information until the application deficiencies are cured; providing for a limited review by a local government of an accessory wireless communications facility; prohibiting local governments from imposing certain restrictions on wireless communications facilities; providing that a local government may not require a wireless communications provider to remove a wireless communications facility unless the facility causes a specific adverse impact on the structural safety or aesthetic concerns of the locality; requiring a local government to amend its ordinances in order to comply with this act by a specified date; revising provisions for lease of state-owned property by a wireless provider; providing that a person who is adversely affected by a decision of a local government relating to a wireless communications facility may bring an action within a specified period; providing for the computation of the time period; providing that a person who is adversely affected by a decision of a local government relating to a wireless communications facility may bring an action at any time if the person is seeking only equitable relief to compel a local government to comply with the procedures of the act; providing that the governing authority of an airport is not required to make available any site, space, or facility owned or controlled by the airport to a wireless service provider for the location or collocation of any tower or wireless communication facility; amending s. 365.173, F.S.; directing how a county may use funds derived from the E911 fee; requiring the board of county commissioners to appropriate the funds to the proper uses; removing the requirement that the Auditor General annually audit the E911 fund; providing an effective date.

—was read the second time by title.

Senator Bennett moved the following amendment which was adopted:

Amendment 1 (483926) (with title amendment)—On page 16, line 5 through page 26, line 17, delete those lines and insert: ~~of~~ land development regulation, including any aesthetic requirements, or law.

2. *An existing tower, including a nonconforming tower, may be modified without increasing the height in order to permit collocation. The modification shall be subject only to administrative review and to building-permit review.*

(b)1. *A local government is limited when evaluating a wireless provider's application for placement of a wireless communications facility to issues concerning land development and zoning. A local government may not request information on or review, consider, or evaluate a wireless provider's business need for a specific location for a wireless communications site or the need for wireless service to be provided from a particular site unless the wireless provider voluntarily offers this information to the local government. A local government may not request information on or review, consider, or evaluate the wireless provider's service quality or the network design of the wireless service unless the wireless provider voluntarily offers the information to the local government or unless the information or materials are directly related to an identified land development or zoning issue.*

2. *The setback or distance separation required of a tower may not exceed the minimum distance necessary to satisfy the structural safety or aesthetic concerns that are protected by the setback or distance separation.*

3. *A local government must provide a reasonable opportunity for placing some form or type of antenna when a wireless provider has demonstrated that it is necessary to comply with the requirements to provide E911 service.*

4. *A local government may impose a fee, surety, or insurance requirement on a wireless provider when applying to place, construct, or modify a wireless communications facility only if a similar fee, surety, or insurance requirement is also imposed on applicants seeking similar types of*

zoning, land use, or building-permit review. Fees for review of applications for wireless communications facilities by consultants or experts who are engaged to review general zoning and land use matters on behalf of the local government may be recovered, but only if the recovery is routinely sought from applicants seeking a similar level of review for zoning or land-development approvals, and any fees must be reasonable.

(c)(b) *Local governments may ~~shall~~ not require wireless providers to provide evidence of a wireless communications facility's compliance with federal regulations, except evidence of compliance with applicable Federal Aviation Administration requirements under 14 C.F.R. s. 77, as amended. However, local governments may request ~~shall receive~~ evidence of proper Federal Communications Commission licensure or other evidence of Federal Communications Commission authorized spectrum use from a wireless provider and may request the Federal Communications Commission to provide information as to a wireless provider's compliance with federal regulations, as authorized by federal law.*

(d)(e)1. *A local government shall grant or deny each a properly completed application for a collocation under subparagraph (11)(a)1. of this section reviewed through administrative review or an application reviewed through building-permit review ~~a permit, including permits under paragraph (a), for the collocation of a wireless communications facility on property, buildings, or structures within the local government's jurisdiction within 45 business days after the date the properly completed application is determined to be properly completed initially submitted in accordance with this paragraph the applicable local government application procedures, provided that such permit complies with applicable federal regulations and applicable local zoning or land development regulations, including any aesthetic requirements. Local building regulations shall apply. If administrative reviews are required from multiple departments of the local government, such reviews shall be concurrent and all within the 45-business-day timeframe.~~*

2. *A local government shall grant or deny each a properly completed application for a wireless communications facility not reviewed through subparagraph (11)(d)1. of this section ~~a permit for the siting of a new wireless tower or antenna on property, buildings, or structures within the local government's jurisdiction within 90 business days after the date the properly completed application is determined to be properly completed initially submitted in accordance with this paragraph the applicable local government application procedures, provided that such permit complies with applicable federal regulations and applicable local zoning or land development regulations, including any aesthetic requirements. Local building regulations shall apply. If the local government review of the wireless communications facility also includes applications for administrative review, each shall be within the applicable timeframe indicated in this section.~~*

3.a. *An application is deemed submitted or resubmitted on the date the application is received by the local government. The local government shall notify the ~~permit~~ applicant within 20 business days after the date the application is initially submitted as to whether the application is, for administrative purposes only, properly completed and has been properly submitted. However, the ~~such~~ determination shall not be deemed as an approval of the application. If the application is not completed in compliance with the local government's regulations, the ~~Such~~ notification must ~~shall~~ indicate with specificity any deficiencies in the required documents or deficiencies in the content of the required documents which, if cured, ~~shall~~ make the application properly completed. Upon resubmission of information to cure the stated deficiencies, the local government shall notify the applicant within 20 business days after the additional information is submitted whether the application is properly completed or if there are any remaining deficiencies that must be cured. Any deficiencies in document type or content not specified by the local government shall not render an application incomplete. Notwithstanding this subparagraph, if a specified deficiency is not properly cured when the applicant resubmits its application to comply with the notice of deficiencies, the local government may continue to request the information until such time as the specified deficiency is cured.*

b. *If the local government fails to grant or deny a properly completed application for a wireless communications facility ~~permit which has been properly submitted~~ within the timeframes set forth in this paragraph, the application ~~paragraph, the permit~~ shall be deemed automatically approved and the applicant ~~provider~~ may proceed with placement of such facilities without interference or penalty. The timeframes specified in subparagraph ~~subparagraphs 1. and 2.~~ shall be extended only to the*

extent that the *application permit* has not been granted or denied because the local government's procedures generally applicable to all *applications permits*, require action by the governing body and such action has not taken place within the timeframes specified in *subparagraph subparagraphs 1. and 2.* Under such circumstances, the local government must act to either grant or deny the *application permit* at its next regularly scheduled meeting or, otherwise, the *application permit* shall be deemed to be automatically approved.

c. To be effective, a waiver of the timeframes set forth in *this paragraph herein* must be voluntarily agreed to by the applicant and the local government. A local government may request, but not require, a waiver of the timeframes by the *applicant an entity seeking a permit*, except that, with respect to a specific permit, a one-time waiver may be required in the case of a declared local, state, or federal emergency that directly affects the administration of all permitting activities of the local government.

~~(d) Any additional wireless communications facilities, such as communication cables, adjacent accessory structures, or adjacent accessory equipment used in the provision of cellular, enhanced specialized mobile radio, or personal communications services, required within the existing secured equipment compound within the existing site shall be deemed a permitted use or activity. Local building and land development regulations, including any aesthetic requirements, shall apply.~~

(e) *The replacement of or modification to a wireless communications facility, except a tower, that results in a wireless communications facility of similar size, type, and appearance and the replacement or modification of equipment that is not visible from outside the wireless communications site are subject only to building-permit review or administrative review.*

~~(f)1.(e) The use of state government-owned property for wireless communications facilities is encouraged. Any other provision of law to the contrary notwithstanding, except as provided in s. 253.0342, the Department of Management Services shall negotiate, in the name of the state, leases for wireless communications facilities that provide access to state government-owned property not acquired for transportation purposes, and the Department of Transportation shall negotiate, in the name of the state, leases for wireless communications facilities that provide access to property acquired for state rights-of-way.~~

2. On property acquired for transportation purposes, leases shall be granted in accordance with s. 337.251. On other state government-owned property, leases shall be granted on a space available, ~~first come, first served~~ basis as determined by the Department of Management Services in accordance with s. 253.0342. Payments required by state government under a lease must be reasonable and must reflect the market rate ~~for the use of the state government-owned property.~~ Lease payments shall be deposited in the General Revenue Fund. Leases in existence on or before January 1, 2004 on lands titled in the name of the Board of Trustees of the Internal Improvement Trust Fund or lands titled in the name of other state agencies or water management districts shall be excluded from the lease payment provisions of this section. The Department of Management Services and the Department of Transportation are authorized to adopt rules for the terms and conditions and granting of any such leases.

3. *Local government zoning and land use regulations, unless otherwise expressly exempted by general law, shall apply to any private communication towers located on lands titled in the name of the Board of Trustees of the Internal Improvement Trust Fund or lands titled in the name of other state agencies or water management districts. Any other communication facility located on lands titled in the name of the Board of Trustees of the Internal Improvement Trust Fund or lands titled in the name of other state agencies or water management districts shall be subject to applicable zoning and land use requirements. Local government shall review the placement, construction or modification of a wireless communications facility on lands titled in the name of the Board of Trustees of the Internal Improvement Trust Fund or lands titled in the name of other state agencies or water management districts unless otherwise expressly exempted by general law. If a wireless provider applies to enter into a lease to use state government-owned property for a wireless communications facility, the Department of Management Services or the Department of Transportation, as applicable, shall not review or consider any zoning or land use issues.*

4. *The Department of Management Services or the Department of Transportation, as applicable, shall grant or deny each properly com-*

pleted application for a wireless communications facility on state government-owned property within 90 business days after the date the application is determined to be properly completed. The Department of Management Services or the Department of Transportation, as applicable, shall notify the applicant within 40 business days after the date the application is initially submitted as to whether the application is properly completed and has been properly submitted. If the application is not complete in accordance with the applicable application review procedures, the notification shall indicate with specificity any deficiencies which, if cured, shall make the application properly completed. Upon resubmission of information to cure the stated deficiencies, the Department of Management Services or the Department of Transportation, as applicable, shall notify the applicant within 20 business days after the additional information was submitted whether the application is properly completed or if there are any remaining deficiencies which must be cured. To be effective, a waiver of any timeframe set forth herein must be voluntarily agreed to by the applicant and the Department of Management Services or the Department of Transportation, as applicable. If the Department of Management Services or the Department of Transportation, as applicable, fails to grant or deny a properly completed application within the timeframes set forth in this subsection and the timeframe has not been voluntarily waived, the application shall be deemed automatically approved and the applicant may proceed with placement of such facilities without interference or penalty.

(g) *Any person adversely affected by any action or failure to act by a local government which is inconsistent with this subsection may bring an action in a court of competent jurisdiction within 30 days after the action or the failure to act. The court shall consider the matter on an expedited basis.*

~~(f) Any wireless telephone service provider may report to the board no later than September 1, 2003, the specific locations or general areas within a county or municipality where the provider has experienced unreasonable delay to locate wireless telecommunications facilities necessary to provide the needed coverage for compliance with federal Phase II E911 requirements using its own network. The provider shall also provide this information to the specifically identified county or municipality no later than September 1, 2003. Unless the board receives no report that unreasonable delays have occurred, the board shall, no later than September 30, 2003, establish a subcommittee responsible for developing a balanced approach between the ability of providers to locate wireless facilities necessary to comply with federal Phase II E911 requirements using the carrier's own network and the desire of counties and municipalities to zone and regulate land uses to achieve public welfare goals. If a subcommittee is established, it shall include representatives from the Florida Telecommunications Industry Association, the Florida Association of Counties, and the Florida League of Cities. The subcommittee shall be charged with developing recommendations for the board and any specifically identified municipality or county to consider regarding actions to be taken for compliance for federal Phase II E911 requirements. In the annual report due to the Governor and the Legislature by February 28, 2004, the board shall include any recommendations developed by the subcommittee to address compliance with federal Phase II E911 requirements.~~

(13) *PRIOR APPROVAL REQUIREMENT.—It is the intent of this act to assure the safety of employees, passengers, and freight at airports, as defined in s. 330.27(2) and not to require the placement at any airport of any wireless communication facility unless approved by the airport. Therefore, this section does not require the governing authority of any airport to make available any site, space, or facility owned or controlled by such airport to a service provider for the location or collocation of any tower or wireless communication facility, except on such terms and with such limitation as the governing authority of such airport may deem safe and appropriate. This section also does not affect an airport governing authority's power or authority to manage, control, or provide communications services, which include, but are not limited to, wired, cellular, wireless, and Internet services, information services, and data-related services for any facility owned or controlled by the airport. This section does not affect an airport governing authority's power or authority to recover costs or generate revenue from communications services provided on the airport.*

Section 3. *Section 253.0342, Florida Statutes, is created to read:*

253.0342 Use of state or water management district lands for wireless communications facilities—

(1) Upon a request by the Department of Management Services for the siting of proposed wireless communications facilities as defined in s. 367.172(3), in a specific geographic region, the Division of State Lands shall provide a list of lands titled in the name of the Board of Trustees of the Internal Improvement Trust Fund and lands titled in the name of other state agencies or water management districts for placement of these wireless communications facilities in that region.

(2) Upon receipt of the list referred to in s. 253.0342(1), the Department of Management Services shall contact the lead managing agency for lands titled in the name of the Board of Trustees of the Internal Improvement Trust Fund or the site owner for lands titled in the name of other state agencies or water management districts, to obtain a determination of whether the requested site is suitable for placement of these wireless facilities.

(3) Consideration of suitability by the lead managing agency or the site owner shall include, but not be limited to, whether the proposed use will interfere with existing or designated uses (including conservation uses), leases, or the public health and safety. Consideration shall first be given to collocating any proposed facility with existing linear facilities, buildings or other structures. A determination regarding suitability of a site shall be made in writing.

(4) Upon a determination that a site is both available and suitable for lease, the Department of Management Services is authorized to negotiate a proposed lease agreement with the wireless provider for the use of state-owned lands titled in the name of the Board of Trustees of the Internal Improvement Trust Fund and for lands titled in the name of other state agencies or water management districts for the placement of wireless communications facilities. A copy of any proposed lease agreement shall be provided to the lead managing agency or site owner.

(5)(a) Lease agreements proposed by the Department of Management Services for lands titled to the Board of Trustees of the Internal Improvement Trust Fund shall be submitted to the Division of State Lands as the designated representative of the Board of Trustees of the Internal Improvement Trust Fund for action by the board. The board may delegate the approval or denial of proposed leases on categories or classes of property to the Secretary of the Department of Environmental Protection subject to terms and conditions established by the board. Any proposed lease agreement must be placed on the board's agenda or must be approved or denied by the Secretary within 60 days of receipt from the Department of Management Services. Such action shall constitute a final order.

(b) Lease agreements proposed by the Department of Management Services for land titled to a water management district must be submitted to the governing board of the appropriate water management district for its approval or denial. The governing board must agenda any proposed lease agreement within 60 days of receipt from the Department of Management Services. Such action by the governing board shall constitute an order of the agency.

(c) Lease agreements proposed by the Department of Management Services for lands titled in the name of a state agency shall be approved or denied by the secretary or executive director of the agency within 60 days. Such action by the secretary or executive director shall constitute an order of the agency.

(6) All leases entered into under this section shall restrict use of sites by wireless providers to those uses directly related to provisions of wireless communications service, including provisions for removal of any towers, antennae or appurtenances of the wireless provider and any needed site restoration. Use of the site by the wireless provider shall be carried out and maintained in a manner consistent with existing and designated uses (including conservation uses), land management plans, leases, applicable rules, and the public health and safety.

(7) Upon the approval by the lead managing agency or site owner for the use of the property or facility for the wireless communications facilities and upon approval of the proposed lease agreement, the Department of Management Services shall enter into the lease agreement with the wireless provider. A copy of the executed lease agreement shall be provided to the lead managing agency and site owner.

And the title is amended as follows:

On page 2, line 4 through page 2, line 31, delete those lines and insert: facilities; revising provisions for lease of state-owned property

by a wireless provider; providing that a person who is adversely affected by a decision of a local government relating to a wireless communications facility may bring an action within a specified period; providing for the computation of the time period; providing that the governing authority of an airport is not required to make available any site, space, or facility owned or controlled by the airport to a wireless service provider for the location or collocation of any tower or wireless communication facility; creating s. 253.0342, F.S.; providing process for lease of non-transportation state-owned lands by a wireless provider; amending s.

On motion by Senator Bennett, by two-thirds vote **CS for CS for SB 2774** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

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

Nays—2

Cowin Jones

Vote after roll call:

Yea to Nay—Argenziano, Fasano

CS for SB 2938—A bill to be entitled An act relating to Southwest Florida transportation; creating pt. X of ch. 348, F.S., consisting of ss. 348.993, 348.9931, 348.9932, 348.9933, 348.9934, 348.9935, 348.9936, 348.9937, 348.9938, 348.9939, 348.994, 348.9941, 348.9942, 348.9943, 348.9944, 348.9945, and 348.9946, F.S., titled "Southwest Florida Expressway Authority"; providing a popular name; providing definitions; creating the Southwest Florida Expressway Authority encompassing Collier and Lee Counties; providing for a governing body of the authority; providing for membership; establishing a process for Charlotte County to participate in the authority; providing purposes and powers; providing for the Southwest Florida Transportation System; providing for procurement; providing bond financing authority for improvements; providing for bonds of the authority; providing for fiscal agents; providing the State Board of Administration may act as fiscal agent; providing for certain financial agreements; providing for rights and remedies of bondholders; providing for lease-purchase agreement with the Department of Transportation; providing the department may be appointed agent of authority for construction; providing for acquisition of lands and property; providing for cooperation with other units, boards, agencies, and individuals; providing covenant of the state; providing for exemption from taxation; providing for eligibility for investments and security; providing pledges shall be enforceable by bondholders; providing for construction and application; providing for future expiration of the act; providing a contingent effective date.

—was read the second time by title.

Senator Saunders moved the following amendments which were adopted:

Amendment 1 (062992)—On page 4, lines 18 and 19, delete those lines and insert:

(14) "Southwest Florida Transportation System" means all new expressways and additional lanes on Interstate Highway 75 in Lee and Collier Counties which are tolled as express lanes and appurtenant facilities,

Amendment 2 (153948)—On page 8, lines 12-29, delete those lines and insert: "system," unless precluded by state or federal law. This part does not preclude the department from acquiring, holding, constructing,

improving, maintaining, operating, or owning the tolled lanes on Interstate 75 or nontolled facilities that may be part of the Southwest Florida Transportation System and that are part of the State Highway System.

(b) It is the express intention of this part that said authority, in the construction of said Southwest Florida Transportation System, within the geographic boundaries of Collier and Lee Counties, is limited to the pursuit of additional lanes on Interstate Highway 75 within these counties which are tolled as express lanes. Further, the authority shall be authorized to construct any extensions, additions, or improvements to said system or appurtenant facilities, including all necessary approaches, roads, bridges, and avenues of access, with such changes, modifications, or revisions of said project as shall be deemed desirable and proper with the concurrence of the respective county commissions, and the department if the project is to be part of the State Highway System. The responsibilities of the authority will not be expanded to cover any other projects beyond Interstate 75 toll lanes and appurtenant facilities unless resolutions in support of such expansion or other project are adopted by the Boards of County Commissioners of Lee and Collier Counties and, if applicable, by the governing body having jurisdiction of a road system if the project is to become a part of that system.

Amendment 3 (155766)(with title amendment)—On page 12, between lines 3 and 4, insert:

(4) Notwithstanding the powers conferred herein, before the authority proceeds with a proposed project either the Lee County Commission or the Collier County Commission must approve any proposed project for the system that may be located within the geographical boundaries of that commission's jurisdiction. A quorum must be present for a vote of approval to take place. Such approval, by a majority vote of those members present, must be obtained before the authority can proceed with the preliminary design and environmental study.

(5) The authority is precluded from involvement with any future development of County Road 951.

And the title is amended as follows:

On page 1, line 18, after the semicolon (;) insert: requiring the approval of specified county commissions before approval of a project within the geographical boundaries of those counties; prohibiting authority involvement with a certain road development;

Amendment 4 (661834)(with title amendment)—On page 16, line 25 through page 20, line 22, delete those lines.

And the title is amended as follows:

On page 1, lines 6-26, delete those lines and insert: 348.9936, 348.9938, 348.9939, 348.994, 348.9941, 348.9942, 348.9943, 348.9944, 348.9945, and 348.9946, F.S., titled "Southwest Florida Expressway Authority"; providing a popular name; providing definitions; creating the Southwest Florida Expressway Authority encompassing Collier and Lee Counties; providing for a governing body of the authority; providing for membership; establishing a process for Charlotte County to participate in the authority; providing purposes and powers; providing for the Southwest Florida Transportation System; providing for procurement; providing bond financing authority for improvements; providing for bonds of the authority; providing for fiscal agents; providing the State Board of Administration may act as fiscal agent; providing for certain financial agreements; providing for lease-purchase

Amendment 5 (091460)—On page 22, lines 24 and 25, delete "state road system" and insert: *State Highway System*

On motion by Senator Saunders, by two-thirds vote **CS for SB 2938** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Alexander	Carlton	Dockery
Argenziano	Clary	Fasano
Aronberg	Constantine	Garcia
Atwater	Cowin	Geller
Bennett	Crist	Haridopolos
Bullard	Dawson	Hill
Campbell	Diaz de la Portilla	Jones

Klein	Peaden	Smith
Lawson	Posey	Villalobos
Lee	Pruitt	Wasserman Schultz
Lynn	Saunders	Webster
Margolis	Sebesta	Wilson
Miller	Siplin	Wise

Nays—None

CS for SB 2960—A bill to be entitled An act relating to banking; amending s. 494.0025, F.S.; prohibiting the use of the name or logo of a financial institution or its affiliates or subsidiaries under certain circumstances without written consent; amending s. 516.07, F.S.; providing that the use of the name or logo of a financial institution or its affiliates or subsidiaries under certain circumstances without written consent is grounds for denial of license or for disciplinary action; amending s. 520.995, F.S.; providing that the use of the name or logo of a financial institution or its affiliates or subsidiaries under certain circumstances without written consent is grounds for disciplinary action; amending s. 626.9541, F.S.; providing that the deceptive use of a name is an unfair method of competition and an unfair or deceptive act or practice; amending s. 655.005, F.S.; revising certain definitions relating to financial institutions to include the term "international branch"; amending s. 655.0322, F.S.; revising the definition of the term "financial institution" to include an international branch; amending s. 655.0385, F.S.; clarifying requirements for notification of the appointment of an executive director or equivalent by state financial institutions; requiring a nonrefundable fee to accompany notification; amending s. 655.045, F.S.; providing an exemption from audit requirements; amending s. 655.059, F.S.; providing for the inspection and examination of financial institution records and books pursuant to subpoena; providing for reimbursement of reasonable costs and fees for compliance; providing for setting the reimbursement amount when charges are contested; amending s. 655.921, F.S.; prohibiting certain out-of-state financial institutions from locating branch offices in the state in order to qualify for certain exempt transactions; deleting provisions relating to authorization of offices in the state; amending s. 655.922, F.S.; clarifying provisions authorizing financial institutions under another state's financial codes to transact business in this state; expanding the names or titles under which only a financial institution may transact business; prohibiting the use of the name or logo of a financial institution or its affiliates or subsidiaries under certain circumstances without written consent; requiring the Financial Services Commission to adopt rules; amending s. 655.94, F.S.; deleting a prohibition against certain notary publics being involved in opening safety deposit boxes for nonpayment of rent; requiring use of certified mail instead of registered mail; amending s. 658.16, F.S.; providing criteria for a bank or trust company chartered as a limited liability company to be considered "incorporated" under the financial institutions codes; providing definitions; amending s. 658.23, F.S.; correcting terminology; deleting a requirement for a current copy of the bylaws of a bank or trust company to be on file with the Office of Financial Regulation; amending s. 658.26, F.S.; providing for state banks to relocate offices upon approval; providing that certain financial institutions may establish or relocate an office upon written notification; providing requirements for notification and a fee; requiring an application for relocation of a main office outside the state; exempting applications from publication in the Florida Administrative Weekly; modifying requirements for applications for branch offices by a bank ineligible for branch notification; deleting a requirement that such applications be published in the Florida Administrative Weekly and be subject to ch. 120, F.S.; requiring a relocation application to be filed with the Office of Financial Regulation; providing for a filing fee, investigations, and restrictions relating to such applications; amending s. 658.33, F.S.; adding to the list of persons who must meet certain qualification levels; providing for a waiver of qualification requirements; amending s. 658.37, F.S.; prohibiting an imminently insolvent bank from paying dividends; amending s. 658.48, F.S.; specifying limitations on making loans and extending credit by a bank declared to be imminently insolvent; amending s. 658.67, F.S.; providing multiple dates for the assessment of the value of property acquisition as security; amending s. 658.73, F.S.; delineating which entities or individuals must pay a fee for a certificate of good standing; amending s. 663.16, F.S.; revising definitions to include the term "branch" and to reduce the percentage of voting stock necessary for consideration as control; amending s. 663.304, F.S.; deleting a requirement for reservation of a proposed corporate name with the Department of State; amending s. 665.034, F.S.; revising a percentage designating

control of an association; amending s. 674.406, F.S.; reducing the time that banks must retain receipts of items; reducing the time within which one must report unauthorized signatures; providing a time limitation within which to assert claims against a bank for an unauthorized endorsement; repealing s. 658.68, F.S., relating to liquidity requirements for a state bank; providing an effective date.

—was read the second time by title.

Senator Alexander moved the following amendments which were adopted:

Amendment 1 (625456)—On page 16, line 10, delete “registered” and insert: *certified registered*

Amendment 2 (200694)—On page 29, line 15, delete “90” and insert: *180*

On motion by Senator Alexander, by two-thirds vote **CS for SB 2960** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Carlton

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

—was read the second time by title.

Senators Posey and Lee offered the following amendment which was moved by Senator Posey and adopted:

Amendment 1 (380584)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Chapter 714, Florida Statutes, consisting of sections 714.001, 714.003, 714.005, 714.007, and 714.009, is created to read:

714.001 Popular name.—This chapter may be referred to by the popular name the “Real Estate Lien Act.”

714.003 Definitions.—As used in this chapter, the term:

(1) “Broker” has the same meaning as in s. 475.01.

(2) “Commission” means any compensation or consideration that may be due a broker licensed in this state for services performed within the scope of the broker’s license.

(3) “Future commission” means any additional commission that may be due a broker as a result of future actions, including, but not limited to, the exercise of an option to expand the leased premises, to renew or extend a lease, or to purchase the property.

(4) “Real estate” has the same meaning as in s. 475.01. For the purposes of ss. 714.001-714.009, the term “real estate” does not include home-
stead property.

(5) “Transferee” means a person purchasing or otherwise receiving any interest in real estate except a sublessee or assignee of a lease.

(6) “Transferor” means the person selling or otherwise conveying any interest in real estate except a sublessor or assignor of a lease .

714.005 Broker’s lien.—

(1) **WRITTEN INSTRUMENT.**—A broker shall have a lien upon real estate or any interest in that real estate which is the subject of a purchase, lease, or other conveyance to a buyer or tenant of an interest in the real estate, in the amount that the broker is due for licensed services, including, but not limited to, brokerage fees, consulting fees, and management fees, under a valid and enforceable written instrument signed by a transferor or the transferor’s duly authorized agent or by a prospective transferee or the transferee’s duly authorized agent. The lien shall be available to the broker named in the signed instrument, and not to any employee or independent contractor of the broker.

(2) **ENTITLEMENT OF BROKER TO LIEN.—**

(a) A lien under this chapter shall attach to the real estate or any interest in the real estate if the broker:

1. Is entitled to a fee or commission under a written instrument signed in accordance with subsection (1); and

2. Except as otherwise provided in subsections (4)-(7), records a notice of lien in the office of the clerk of the circuit court of the county in which the property is located prior to the actual conveyance or transfer of the real estate against which the broker is claiming the lien.

(b) The lien shall attach as of the date of the recording of the notice of lien and shall not relate back to the date of the written instrument.

(c) A broker shall not have the right under this act to a lien for commission or other compensation owed to that broker pursuant to a sublease or assignment of lease. The provisions of this subsection do not limit or otherwise affect the claims or defenses a broker or any other party may have on any other basis, in law or in equity.

(3) **CONTENTS OF NOTICE OF LIEN.**—A notice of lien shall state the name of the claimant, the name of the owner of record of the real estate, a description of the property upon which the lien is being claimed, the amount for which the lien is claimed, and the real estate license number of the broker. The notice of lien shall recite that the information contained in the notice is true and accurate to the knowledge of the signator. The notice of lien must be signed by the broker or a person authorized to sign on behalf of the broker and must be notarized.

(4) **COMMISSION DUE IN INSTALLMENTS.**—Except as otherwise provided in subsections (5)-(7), when payment to a broker is due in installments, a portion of which is due only after the conveyance or transfer of the real estate, any notice of lien for those payments due after the conveyance or transfer may be recorded at any time subsequent to the conveyance or transfer of the real estate but not later than 90 days after the date the payment is due. A notice of lien recorded prior to conveyance or transfer of the real estate claiming all moneys due under an installment payment agreement or for future commissions as described in subsection (6) shall be valid and enforceable only to the extent it pertains to payments due from the transferee to the transferor after the conveyance or transfer. As payments or partial payments of commission are received, a broker shall provide partial releases therefor, thereby reducing the amount due the broker under the broker’s notice of lien.

(5) **LEASE OF REAL ESTATE.**—In the case of a lease, a notice of lien must be recorded no later than 90 days after the transferee takes possession of the leased premises. However, if a transferor personally serves written notice of the intended execution of the lease on a broker entitled to claim a lien, at least 10 days prior to the date of the intended execution of the lease, a notice of lien must be recorded before the date indicated in such notice for the execution of the lease. The lien shall attach as of the date of the recording of the notice of lien and shall not relate back to the date of the written instrument.

(6) **FUTURE COMMISSION.**—If a broker may be due future commissions pursuant to a written instrument signed by the then transferor or transferee, the broker may record a notice of lien at any time after execution of the lease or other written instrument which contains such option or options, but may not record the notice of lien later than 90 days after the event or occurrence on which the claimed future commission occurs. Notwithstanding subsection (10), an action to enforce a lien under this subsection must be commenced within 2 years after the occurrence or transaction on which the future commission is claimed.

(7) **REAL ESTATE SOLD BEFORE COMMISSION DUE.**—In the event that the real estate is sold or otherwise conveyed prior to the date on which either a future commission or an unpaid installment of a commission is due, if the broker has recorded a valid notice of lien prior to the sale or other conveyance of the real estate, then the purchaser or transferee shall be deemed to have notice of and shall take title to the real estate subject to the lien. However, if a broker claiming a future commission fails to record a notice of lien for future commission prior to the recording of a deed conveying legal title to the real estate to the transferee, then such broker may not claim a lien on the real estate. The provisions of this subsection do not limit or otherwise affect claims or defenses a broker or any other party may have on any other basis, in law or in equity.

(8) **WRITTEN INSTRUMENT WITH TRANSFEREE.**—If a transferee has executed a written instrument in accordance with subsection (1), then a lien shall attach to the transferee's interest upon the transferee purchasing or otherwise accepting conveyance or transfer of the real estate and the recording of a notice of lien by the broker in the office of the clerk of the circuit court of the county in which the property is located, within 90 days after the purchase or other conveyance or transfer to the transferee. The lien shall attach as of the date of the recording of the notice of lien and shall not relate back to the date of the written instrument.

(9) **SERVICE OF NOTICE OF LIEN.**—A broker shall, within 10 days after recording a notice of lien, personally deliver or mail, by registered or certified mail, a copy of the notice of lien to the owner of record of the real estate or the duly authorized agent of the owner of record at the address of the owner of record as stated in the written instrument on which the claim for lien is based or, if no such address is given, to the address of the property on which the claim of lien is based. Mailing of the copy of the notice of lien is effective when deposited in the United States mail with postage prepaid. A broker's lien on real estate shall be unenforceable if delivery or mailing of the copy of notice of lien does not occur within the time period and in the manner required by this subsection.

(10) **LAWSUIT TO ENFORCE LIEN.**—

(a) A broker may bring suit to enforce a lien on real estate in the circuit court in the county in which the property is located by filing a complaint and sworn affidavit that the notice of lien has been recorded.

(b) A broker claiming a lien on real estate shall, within 2 years after recording the notice of lien, commence proceedings by filing a complaint. Failure to commence proceedings within 2 years after recording the notice of lien shall extinguish the lien. No subsequent notice of lien may be given for the same claim, nor may that claim be asserted in any proceedings under this chapter.

(c) A broker claiming a lien on real estate based upon an option or other right to purchase or lease shall, within 2 years after the conveyance or transfer of the real estate under the exercise of the option to purchase or lease, commence proceedings by filing a complaint. Failure to commence proceedings within this time period shall extinguish the lien. No subsequent notice of lien may be given for the same claim, nor may that claim be asserted in any proceedings under this chapter.

(d) A complaint under this section shall contain a brief statement of the contract or instrument on which the lien is based as well as its

effective date, a description of the services performed, the amount due and unpaid, a description of the property that is subject to the lien, and other facts necessary for a full understanding of the rights of the parties. The plaintiff shall make all interested parties of whose interest the plaintiff is notified or has knowledge defendants to the action and shall issue summons and provide service as in other civil actions filed in this state. When any defendant resides or has gone out of the state, or on inquiry cannot be found, or is concealed within the state so that process cannot be served on the defendant, the plaintiff shall cause a notice to be given to the defendant or cause a copy of the complaint to be served on the defendant in the manner and on the same conditions as in other civil actions filed in this state. Failure of the plaintiff to provide proper summons or notice to the defendant as required by this paragraph shall be grounds for judgment against the plaintiff and in favor of the defendant with prejudice. All liens claimed under this chapter shall be foreclosed in the manner of foreclosing a mortgage under the provisions of chapter 702.

(11) **DEMAND TO INITIATE OR FILE ANSWER TO LAWSUIT.**—Upon written demand of the owner of record or a licensee of the real estate, or a duly authorized agent of the owner or licensee, served on the broker claiming the lien to require suit to be commenced to enforce the lien or an answer to be filed in a pending suit to enforce the lien, the suit must be commenced or the answer filed within 30 days thereafter or the lien shall be extinguished. Service of such written demand may be made by registered or certified mail, return receipt requested, or by personal service.

(12) **SATISFACTION OR RELEASE OF LIEN.**—

(a) Whenever a notice of lien on real estate has been recorded with the clerk of the circuit court and the claimed commission has been paid to a broker claiming a lien on the property, or when there is a failure to initiate a suit to enforce the lien within the time period provided by this section, the broker shall acknowledge satisfaction or release of the lien in writing, upon written demand of the owner of the real estate, within 5 days after payment of the amount claimed or within 5 days after expiration of the time period in which the complaint to initiate the lawsuit was to be filed.

(b) Whenever a notice of lien on real estate has been recorded with the clerk of the circuit court and a condition occurs that would preclude a broker from receiving compensation under the terms of the written agreement on which the lien is based, the broker shall provide to the owner of record, within 10 days following written demand by the owner of record, a written release or satisfaction of the lien.

(13) **ALTERNATIVE DISPUTE RESOLUTION.**—If the broker and the party or parties from whom the commission is claimed agree to alternative dispute resolution, the claim shall be heard and resolved in the forum on which these parties have agreed. The court before which the action to enforce the lien is brought shall retain jurisdiction to enter judgment on the award or other result made or reached in alternative dispute resolution on all parties to the action to enforce the lien. The broker's notice of lien shall remain of record and the action to enforce the lien shall be stayed during the pendency of the alternative dispute resolution process.

(14) **ASSESSMENT OF COSTS, FEES, AND INTEREST.**—The cost of proceedings brought under this section, including reasonable attorney's fees, costs, and prejudgment interest due to the prevailing party, shall be borne by the nonprevailing party or parties. When more than one party is responsible for costs, fees, and prejudgment interest, the costs, fees, and prejudgment interest shall be equitably apportioned by the court or alternative dispute resolution tribunal among the responsible parties.

(15) **WAIVER OF LIEN RIGHTS VOID.**—Except for a satisfaction or release of lien provided in consideration of payment of the fee or commission claimed by a broker or other consideration acceptable to broker or pursuant to subsection (12), any waiver of a broker's right to a lien on real estate under this section and any other waiver or release of such a lien is void.

714.007 Priority of other recorded liens, mortgages, and encumbrances.—Valid prior recorded liens, mortgages, and other encumbrances shall have priority over a broker's lien under this chapter. Such prior recorded liens, mortgages, and encumbrances shall include, without limitation:

(1) Any valid mechanic's lien claim that is recorded subsequent to the broker's notice of lien but which relates back to a date prior to the recording date of the broker's notice of lien.

(2) Prior recorded liens securing revolving credit and future advances of construction loans.

714.009 Escrow of disputed amounts.—Except as otherwise provided in this chapter, whenever a notice of lien on real estate has been filed with the clerk of the circuit court that would prevent the closing of a transaction or conveyance, an escrow account shall be established from the proceeds from the transaction or conveyance, or other collateral or security in an amount sufficient to release the lien. The requirement to establish an escrow account as provided in this section shall not be cause for any party to refuse to close the transaction or conveyance. The moneys or other collateral or security required to be held in escrow under this section shall be held until the rights of the parties to the escrowed moneys or other collateral or security have been determined by written agreement of the parties, by a court of law, or by any other process that may be agreed to by the parties for resolution of their dispute. Upon the escrow of funds or other collateral or security in the amount claimed in the lien, the lien and notice of lien shall be automatically dissolved. Upon release of the lien by the broker, the broker shall be deemed to have an equitable lien on the escrow funds or other collateral or security, pending a resolution of the broker's claim, and the escrow shall not be released until a resolution is reached and agreed to by all necessary parties or ordered by a court. The parties are not required to follow the escrow procedure in this section if alternative procedures that would allow the transaction to close are available and are acceptable to the transferee in the transaction. If the proceeds from the transaction are insufficient to release all liens claimed against the real estate, including the broker's lien, then the parties are not required to follow the escrow procedure in this section.

Section 2. Paragraph (j) of subsection (1) of section 475.42, Florida Statutes, is amended to read:

475.42 Violations and penalties.—

(1) VIOLATIONS.—

(j) A broker or sales associate may not place, or cause to be placed, upon the public records of any county, any contract, assignment, deed, will, mortgage, affidavit, or other writing which purports to affect the title of, or encumber, any real property if the same is known to her or him to be false, void, or not authorized to be placed of record, or not executed in the form entitling it to be recorded, or the execution or recording whereof has not been authorized by the owner of the property, maliciously or for the purpose of collecting a commission, or to coerce the payment of money to the broker or sales associate or other person, or for any unlawful purpose. However, nothing in this paragraph shall be construed to prohibit a broker or a sales associate from recording a judgment rendered by a court of this state or to prohibit a broker from placing a lien on a property where expressly permitted by contractual agreement or otherwise allowed by law.

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

And the title is amended as follows:

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

On motion by Senator Posey, by two-thirds vote **CS for SB 1788** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

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

SPECIAL ORDER CALENDAR, continued

Consideration of **CS for CS for SB 520** and **CS for SB 494** was deferred.

On motion by Senator Atwater—

CS for CS for SB 2704—A bill to be entitled An act relating to a public records exemption for identifying information; amending s. 125.901, F.S.; providing that personal identifying information of a child or the child's parent or guardian held by a children's service council, juvenile welfare board, or other entity created under that section or by special law is exempt from the requirement that public records be open to inspection and duplication; providing for retroactive application; providing for future repeal and legislative review under the Open Government Sunset Review Act of 1995; providing a statement of public necessity; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 2704** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 354** and **CS for SB 2246** was deferred.

On motion by Senator Constantine, by two-thirds vote **HB 585** was withdrawn from the Committees on Regulated Industries; and Comprehensive Planning.

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

HB 585—A bill to be entitled An act relating to the Florida Building Code; requiring the Florida Building Commission to expedite the adoption and implementation of the Florida Building Code; requiring such adoption pursuant to certain requirements of law; waiving application of certain update and amendment requirements and administrative rule provisions; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 520** and **CS for SB 494** and by two-thirds vote read the second time by title.

Senator Constantine moved the following amendment:

Amendment 1 (551966)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (3) of section 553.37, Florida Statutes, is amended to read:

553.37 Rules; inspections; and insignia.—

(3) All manufactured buildings issued and bearing insignia of approval pursuant to subsection (2) shall be deemed to comply with the Florida Building Code and are exempt from local amendments enacted

by any local government. *Lawn storage buildings and storage sheds bearing the insignia of approval of the department may be delivered and installed without need of a contractor's or specialty license.*

Section 2. Subsections (3), (4), (5), (6), (7), and (12) of section 553.415, Florida Statutes, are amended, to read:

553.415 Factory-built school buildings.—

(3) ~~Within 90 days after the effective date of this section,~~ The department shall adopt by emergency rule regulations to carry out the provisions of this section. Such rule shall ensure the safety of design, construction, accessibility, alterations, and inspections and shall also prescribe procedures for the plans, specifications, and methods of construction to be submitted to the department for approval.

(4) A manufacturer of factory-built school buildings designed or intended for use as school buildings shall submit to the department ~~for approval~~ the manufacturer's plans, specifications, alterations, and methods of construction ~~for any factory-built school building that has not previously been submitted to the department together with the approval of a certified plans examiner for such building. The department is authorized to charge manufacturers a fee which reflects the actual expenses incurred for the review of such plans and specifications.~~

(5) ~~The department, in accordance with the standards and procedures adopted pursuant to this section and as such standards and procedures may thereafter be modified,~~ shall approve or reject such plans, specifications, and methods of construction. *The department may delegate its plans-review authority to a state agency or public or private entity; however, the department shall ensure that any person conducting plan reviews is a certified plans examiner pursuant to part XII of chapter 468. Any person employed by a municipal or county government, school, or community college district or a private entity who is a certified plans examiner under part XII of chapter 468 may approve a manufacturer's plans, specifications, and methods of construction.* Approval of the department shall ~~not~~ be given ~~if a certified plans examiner certifies that unless~~ such plans, specifications, and methods of construction are in compliance with the ~~Florida State Uniform Building Code for Public Educational Facilities and department rule. After March 1, 2002, the Uniform Code for Public Educational Facilities shall be incorporated into the Florida Building Code, including specific requirements for public educational facilities and department rule.~~

(6) *The review and approval of any site plan locating a factory-built school building shall be performed solely by the school district or community college district acquiring the factory-built school building. The department may delegate its plans review authority to a state agency or public or private entity; however, the department shall ensure that any person conducting plans reviews is a certified plans examiner, pursuant to part XII of chapter 468.*

(7) A standard plan approval may be obtained from the department for factory-built school buildings and such department-approved plans shall be accepted by the enforcement agency as approved for the purpose of obtaining a construction permit for the structure itself. The department, or its designated representative, shall determine if the plans qualify for purposes of a factory-built school shelter, as defined in s. 553.36. *The department may delegate its plans-review authority to a state agency or public or private entity; however, the department shall ensure that any person conducting plans reviews is a certified plans examiner pursuant to part XII of chapter 468.*

(12) *Each factory-built school building used for educational purposes shall bear the insignia of the department and a data plate. Application for insignia shall be made by the third-party-approved inspection agency designated in accordance with s. 553.37(9). The data plate shall be fabricated by the manufacturer of durable material in accordance with s. 553.11. Such insignia and identification label shall be permanently affixed by the manufacturer in the case of newly constructed factory-built school buildings, or by the manufacturer or contractor performing the alterations department or its designee in the case of an existing factory-built building altered to comply with provisions of s. 1013.20.*

Section 3. Paragraphs (a) and (c) of subsection (4), subsection (6), and paragraphs (a) and (c) of subsection (7) of section 553.73, Florida Statutes, are amended to read:

553.73 Florida Building Code.—

(4)(a) All entities authorized to enforce the Florida Building Code pursuant to s. 553.80 shall comply with applicable standards for issuance of mandatory certificates of occupancy, minimum types of inspections, and procedures for plans review and inspections as established by the commission by rule. *Notwithstanding any other provision of law, a local government may issue an annual permit for construction activity of the type and pursuant to the conditions established within the Florida Building Code.* Local governments may adopt amendments to the administrative provisions of the Florida Building Code, subject to the limitations of this paragraph. Local amendments shall be more stringent than the minimum standards described herein and shall be transmitted to the commission within 30 days after enactment. The local government shall make such amendments available to the general public in a usable format. The State Fire Marshal is responsible for establishing the standards and procedures required in this paragraph for governmental entities with respect to applying the Florida Fire Prevention Code and the Life Safety Code.

(c) Any amendment adopted by a local enforcing agency pursuant to this subsection shall not apply to state or school district owned buildings, manufactured buildings or factory-built school buildings approved by the commission, or prototype buildings approved pursuant to s. 553.77(3)(5). The respective responsible entities shall consider the physical performance parameters substantiating such amendments when designing, specifying, and constructing such exempt buildings.

(6)(a) The commission, by rule adopted pursuant to ss. 120.536(1) and 120.54, shall update the Florida Building Code every 3 years. When updating the Florida Building Code, the commission shall consider changes made by the adopting entity of any selected model code for any model code incorporated into the Florida Building Code, and may subsequently adopt the new edition or successor of the model code or any part of such code, no sooner than 6 months after such model code has been adopted by the adopting organization, which may then be modified for this state as provided in this section, ~~and~~

(b) *The commission shall further consider the commission's own interpretations, declaratory statements, appellate decisions, and approved statewide and local technical amendments and shall incorporate such interpretations, statements, decisions, and amendments into the updated Florida Building Code only to the extent that they are necessary to modify the foundation code to accommodate the specific needs of this state.* A change made by an institute or standards organization to any standard or criterion that is adopted by reference in the Florida Building Code does not become effective statewide until it has been adopted by the commission. Furthermore, the edition of the Florida Building Code which is in effect on the date of application for any permit authorized by the code governs the permitted work for the life of the permit and any extension granted to the permit.

(c) *A rule updating the Florida Building Code in accordance with this paragraph shall become effective no sooner than 6 months after completion of the rule adoption process.* Any amendment to the Florida Building Code which is adopted upon a finding by the commission that the amendment is necessary to protect the public from immediate threat of harm takes effect immediately.

(7)(a) The commission may approve technical amendments to the Florida Building Code once each year for statewide or regional application upon a finding that the amendment conforms to the following:

1. ~~Is necessary to provide for~~ ~~Has a reasonable and substantial connection with~~ the health, safety, and welfare of the general public.
2. Strengthens or improves the Florida Building Code, or in the case of innovation or new technology, will provide equivalent or better products or methods or systems of construction.
3. Does not discriminate against materials, products, methods, or systems of construction of demonstrated capabilities.
4. Does not degrade the effectiveness of the Florida Building Code.

Furthermore, the Florida Building Commission may approve technical amendments to the code once each year to incorporate into the Florida Building Code its own interpretations of the code which are embodied in its opinions, *final orders, and declaratory statements, and interpreta-*

tions of hearing officer panels under s. 553.775(3)(c). Amendments approved under this paragraph shall be adopted by rule pursuant to ss. 120.536(1) and 120.54, after the amendments have been subjected to the provisions of subsection (3).

(c) The commission may not ~~consider~~ ~~approve~~ any proposed amendment that does not accurately and completely address all requirements for amendment which are set forth in this section. *The commission shall require all proposed amendments and information submitted with proposed amendments to be reviewed by commission staff prior to consideration by any technical advisory committee. These reviews shall be for sufficiency only and are not intended to be qualitative in nature. Proposed amendments without a fiscal impact statement may not be considered by the commission or any technical advisory committee. The provisions of this paragraph notwithstanding, within 60 days after the adoption by the International Code Council of permitted standards and conditions for unvented conditioned attic assemblies in the International Residential Code, the commission shall initiate rulemaking to incorporate such permitted standards and conditions as an authorized alternative in the Florida Building Code.*

Section 4. Subsection (14) of section 553.79, Florida Statutes, is amended to read:

553.79 Permits; applications; issuance; inspections.—

(14) Certifications by contractors authorized under the provisions of s. 489.115(4)(b) shall be considered equivalent to sealed plans and specifications by a person licensed under chapter 471 or chapter 481 by local enforcement agencies for plans review for permitting purposes relating to compliance with the wind resistance provisions of the code or alternate methodologies approved by the commission for one and two family dwellings. Local enforcement agencies may rely upon such certification by contractors that the plans and specifications submitted conform to the requirements of the code for wind resistance. Upon good cause shown, local government code enforcement agencies may accept or reject plans sealed by persons licensed under chapter 471, chapter 481, or chapter 489. *A truss-placement plan is not required to be signed and sealed by an engineer or architect unless prepared by an engineer or architect or specifically required by the Florida Building Code.*

Section 5. Subsections (2), (4), paragraph (a) of subsection (6), subsection (11), paragraphs (b) and (c) of subsection (12), and subsections (14) and (15) of section 553.791, Florida Statutes, are amended to read:

553.791 Alternative plans review and inspection.—

(2) Notwithstanding any other provision of law or local government ordinance or local policy to the contrary, the fee owner of a building, or the fee owner's contractor upon written authorization from the fee owner, may choose to use a private provider to provide building code inspection services with regard to such building and may make payment directly to the private provider for the provision of such services. All such services shall be the subject of a written contract between the private provider, or the private provider's firm, and the fee owner. The fee owner may elect to use a private provider to provide either plans review or required building inspections. The local building official, in his or her discretion and pursuant to duly adopted policies of the local enforcement agency, may require the fee owner who desires to use a private provider to use the private provider to provide both plans review and required building inspection services.

(4) A fee owner or the fee owner's contractor using a private provider to provide building code inspection services shall notify the local building official at the time of permit application or no less than 1 week prior to a private provider's providing building code inspection services on a form to be adopted by the commission. This notice shall include the following information:

(a) The services to be performed by the private provider.

(b) The name, firm, address, telephone number, and facsimile number of each private provider who is performing or will perform such services, his or her professional license or certification number, qualification statements or resumes, and, if required by the local building official, a certificate of insurance demonstrating that professional liability insurance coverage is in place for the private provider's firm, the private provider, and any duly authorized representative in the amounts required by this section.

(c) An acknowledgment from the fee owner in substantially the following form:

I have elected to use one or more private providers to provide building code plans review and/or inspection services on the building that is the subject of the enclosed permit application, as authorized by s. 553.791, Florida Statutes. I understand that the local building official may not review the plans submitted or perform the required building inspections to determine compliance with the applicable codes, except to the extent specified in said law. Instead, plans review and/or required building inspections will be performed by licensed or certified personnel identified in the application. The law requires minimum insurance requirements for such personnel, but I understand that I may require more insurance to protect my interests. By executing this form, I acknowledge that I have made inquiry regarding the competence of the licensed or certified personnel and the level of their insurance and am satisfied that my interests are adequately protected. I agree to indemnify, defend, and hold harmless the local government, the local building official, and their building code enforcement personnel from any and all claims arising from my use of these licensed or certified personnel to perform building code inspection services with respect to the building that is the subject of the enclosed permit application.

If the fee owner or the fee owner's contractor makes any changes to the listed private providers or the services to be provided by those private providers, the fee owner or the fee owner's contractor shall, within 1 business day after any change, update the notice to reflect such changes.

(6)(a) ~~No more than Within~~ 30 business days after receipt of a permit application and the affidavit from the private provider required pursuant to subsection (5), the local building official shall issue the requested permit or provide a written notice to the permit applicant identifying the specific plan features that do not comply with the applicable codes, as well as the specific code chapters and sections. If the local building official does not provide a written notice of the plan deficiencies within the prescribed 30-day period, the permit application shall be deemed approved as a matter of law, and the permit shall be issued by the local building official on the next business day.

(11) ~~No more than Within~~ 2 business days after receipt of a request for a certificate of occupancy or certificate of completion and the applicant's presentation of a certificate of compliance and approval of all other government approvals required by law, the local building official shall issue the certificate of occupancy or certificate of completion or provide a notice to the applicant identifying the specific deficiencies, as well as the specific code chapters and sections. If the local building official does not provide notice of the deficiencies within the prescribed 2-day period, the request for a certificate of occupancy or certificate of completion shall be deemed granted and the certificate of occupancy or certificate of completion shall be issued by the local building official on the next business day. To resolve any identified deficiencies, the applicant may elect to dispute the deficiencies pursuant to subsection (12) or to submit a corrected request for a certificate of occupancy or certificate of completion.

(12) If the local building official determines that the building construction or plans do not comply with the applicable codes, the official may deny the permit or request for a certificate of occupancy or certificate of completion, as appropriate, or may issue a stop-work order for the project or any portion thereof, if the official determines that such non-compliance poses a threat to public safety and welfare, subject to the following:

(b) If the local building official and private provider are unable to resolve the dispute, the matter shall be referred to the local enforcement agency's board of appeals, if one exists, which shall consider the matter at its next scheduled meeting or sooner. Any decisions by the local enforcement agency's board of appeals, or local building official if there is no board of appeals, may be appealed to the commission pursuant to s. 553.775 ~~553.77(1)(h)~~.

(c) Notwithstanding any provision of this section, any decisions regarding the issuance of a building permit, certificate of occupancy, or certificate of completion may be reviewed by the local enforcement agency's board of appeals, if one exists. Any decision by the local enforcement agency's board of appeals, or local building official if there is no board of appeals, may be appealed to the commission pursuant to s. 553.775

553.77(1)(b), which shall consider the matter at the commission's next scheduled meeting.

(14) No local enforcement agency, local building official, or local government may adopt or enforce any laws, rules, procedures, policies, or standards more stringent than those prescribed by this section.

(15) A private provider may perform building code inspection services under this section only if the private provider maintains insurance for professional and comprehensive general liability with minimum policy limits of \$1 million per occurrence covering relating to all services performed as a private provider. *If the private provider chooses to secure claims-made coverage to fulfill this requirement, the private provider must also maintain, including tail coverage for a minimum of 5 years subsequent to the performance of building code inspection services. Occurrence-based coverage shall not be subject to any tail coverage requirement.*

Section 6. Paragraph (d) of subsection (1) of section 553.80, Florida Statutes, is amended, and subsection (7) is added to that section, to read:

553.80 Enforcement.—

(1) Except as provided in paragraphs (a)-(f), each local government and each legally constituted enforcement district with statutory authority shall regulate building construction and, where authorized in the state agency's enabling legislation, each state agency shall enforce the Florida Building Code required by this part on all public or private buildings, structures, and facilities, unless such responsibility has been delegated to another unit of government pursuant to s. 553.79(9).

(d) Building plans approved pursuant to s. 553.77(3)(~~5~~) and state-approved manufactured buildings, including buildings manufactured and assembled offsite and not intended for habitation, such as lawn storage buildings and storage sheds, are exempt from local code enforcing agency plan reviews except for provisions of the code relating to erection, assembly, or construction at the site. Erection, assembly, and construction at the site are subject to local permitting and inspections.

The governing bodies of local governments may provide a schedule of fees, as authorized by s. 125.56(2) or s. 166.222 and this section, for the enforcement of the provisions of this part. Such fees shall be used solely for carrying out the local government's responsibilities in enforcing the Florida Building Code. The authority of state enforcing agencies to set fees for enforcement shall be derived from authority existing on July 1, 1998. However, nothing contained in this subsection shall operate to limit such agencies from adjusting their fee schedule in conformance with existing authority.

(7) *The governing bodies of local governments may provide a schedule of reasonable fees, as authorized by s. 125.56(2) or s. 166.222 and this section, for enforcing this part. These fees, and any fines or investment earnings related to the fees, shall be used solely for carrying out the local government's responsibilities in enforcing the Florida Building Code. When providing a schedule of reasonable fees, the total estimated annual revenue derived from fees and the fines and investment earnings related to the fees may not exceed the total estimated annual costs of allowable activities. Any unexpended balances shall be carried forward to future years for allowable activities or shall be refunded at the discretion of the local government. The basis for a fee structure for allowable activities shall relate to the level of service provided by the local government. Fees charged shall be consistently applied.*

(a) *As used in this subsection, the phrase "enforcing the Florida Building Code" includes the direct costs and reasonable indirect costs associated with review of building plans, building inspections, reinspections, building permit processing, provision of training courses, educational materials, and public building safety awareness related to the building code, and building code enforcement. The phrase may also include enforcement action pertaining to unlicensed contractor activity to the extent not funded by other user fees.*

(b) *The following activities may not be funded with fees adopted for enforcing the Florida Building Code: planning and zoning or other general government activities; inspections of public buildings for a reduced fee or no fee; public information requests, community functions, and any program not directly related to enforcement of the Florida Building Code; or enforcement and implementation of any other local ordinance, excluding validly adopted local amendments to the Florida Building Code and*

excluding any local ordinance directly related to enforcing the Florida Building Code, as defined in this paragraph.

(c) *A local government shall use recognized management, accounting, and oversight practices to ensure that fees, fines, and investment earnings generated under this subsection are maintained and allocated or used solely for the purposes described in paragraph (a).*

Section 7. *The Florida Building Commission shall expedite the adoption and implementation of the State Existing Building Code as part of the Florida Building Code pursuant only to the provisions of chapter 120, Florida Statutes. The special update and amendment requirements of section 553.73, Florida Statutes, and the administrative rule requiring additional delay time between adoption and implementation of such code are waived.*

Section 8. Paragraph (f) is added to subsection (4) of section 489.117, Florida Statutes, to read:

489.117 Registration; specialty contractors.—

(4)

(f) *Portions of work related to the construction of a swimming pool or spa require the use of specialized skill and equipment that is frequently available only through specialty contracting services. Due to these unique needs for specialty services, any person who is not required to obtain registration or certification pursuant to s. 489.105(3)(a)-(i) or (m)-(o) may perform specialty contracting services for the construction, remodeling, repair, or improvement of a swimming pool or spa as specified in s. 489.105(3)(j)-(l) without obtaining a local professional license if such person is supervised by a certified or registered commercial pool/spa contractor, residential pool/spa contractor, or swimming pool/spa servicing contractor acting within the scope of the supervising contractor's license. A local authority that does not require a local specialty contractor license or local certificate of competency for any service provided by a certified or registered commercial pool/spa contractor, residential pool/spa contractor, or swimming pool/spa servicing contractor must allow, as an alternative to the local license or certificate, local registration of the person contracting with a supervising contractor to perform a specialty service under this paragraph. The local authority may charge a fee for local registration which does not exceed \$150. The local authority may not require proof of competency for local registration and shall require documentation that a registrant is covered by workers' compensation coverage or a valid exemption from such coverage. Local registration shall require the registrant to contract with a certified or registered commercial pool/spa contractor, residential pool/spa contractor, or swimming pool/spa servicing contractor. This subsection does not supersede or affect s. 489.117(4)(e).*

Section 9. Section 553.841, Florida Statutes, is amended to read:

553.841 Building code training program; participant competency requirements.—

(1) ~~The Legislature finds that the effectiveness of the building codes of this state depends on the performance of all participants, as demonstrated through knowledge of the codes and commitment to compliance with code directives and that to strengthen compliance by industry and enforcement by government, a Building Code Training Program is needed.~~

(1)(2) The commission shall establish by rule the Building Code Training Program to develop and provide a core curriculum and offer voluntary accreditation of advance module courses relating to the Florida Building Code and its enforcement ~~a system of administering and enforcing the Florida Building Code.~~

(3) ~~The program shall be developed, implemented, and administered by the commission in consultation with the Department of Education, the Department of Community Affairs, the Department of Business and Professional Regulation, the State Fire Marshal, the State University System, and the Division of Community Colleges.~~

(4) ~~The commission may enter into contracts with the Department of Education, the State University System, the Division of Community Colleges, model code organizations, professional organizations, vocational technical schools, trade organizations, and private industry to administer the program.~~

(2)(6) The program shall be affordable, accessible, meaningful, financially self-sufficient and shall make maximum use of existing sources, systems, institutions, and programs available through private sources.

(3)(6) The commission, in coordination with the Department of Community Affairs, the Department of Business and Professional Regulation, the respective licensing boards, and the State Fire Marshal shall develop or cause to be developed:

(a) a core curriculum that ~~which~~ is prerequisite to initial licensure for those licensees not subject to testing on the Florida Building Code as a condition of licensure. These entities shall also identify subject areas that are inadequately addressed by specialized and advanced courses ~~all specialized and advanced module coursework~~.

(b) ~~A set of specialized and advanced modules specifically designed for use by each profession.~~

(4)(7) The core curriculum shall cover the information required to have all categories of participants appropriately informed as to their technical and administrative responsibilities in the effective execution of the code process by all individuals currently licensed under part XII of chapter 468, chapter 471, chapter 481, or chapter 489, except as otherwise provided in s. 471.017. The core curriculum shall be prerequisite to the advanced module coursework for all licensees and shall be completed by individuals licensed in all categories under part XII of chapter 468, chapter 471, chapter 481, or chapter 489 by the date of license renewal in 2004. ~~within the first 2-year period after establishment of the program. Core course hours~~ All approved courses taken by licensees pursuant to this section to complete this requirement shall count toward fulfillment of required continuing education units under part XII of chapter 468, chapter 471, chapter 481, or chapter 489.

(8) ~~The commission, in consultation with the Department of Business and Professional Regulation and the respective licensing boards, shall develop or cause to be developed an equivalency test for each category of licensee. Such test may be taken in lieu of the core curriculum. A passing score on the test shall be equivalent to completion of the core curriculum and shall be credited toward the required number of hours of continuing education.~~

(5)(9) The commission, in consultation with the Department of Business and Professional Regulation, shall develop or cause to be developed, or approve as a part of the program, ~~appropriate courses a core curriculum and specialized or advanced module coursework~~ for the construction workforce, including, but not limited to, superintendents and journeymen.

(6)(10) The respective state boards under part XII of chapter 468, chapters 471, 481, and 489, and the State Fire Marshal under chapter 633, shall require specialized or advanced course modules as part of their regular continuing education requirements. *Courses approved by the Department of Business and Professional Regulation as required by the respective practice acts and chapter 455 shall be deemed as approved by the Florida Building Commission.*

(7)(11) The Legislature hereby establishes the Office of Building Code Training Program Administration within the Institute of Applied Technology in Construction Excellence at the Florida Community College at Jacksonville. The office is charged with the following responsibilities as recommended by the Florida Building Commission and as resources are provided by the Legislature:

(a) Provide research-to-practice capability for entry-level construction training development, delivery and quality assurance, as well as training and competency registry systems and recruitment initiatives.

(b) Coordinate with the Department of Community Affairs and the Florida Building Commission to serve as school liaison to disseminate construction awareness and promotion programs and materials to schools.

(c) Develop model programs and approaches to construction career exploration to promote construction careers.

Section 10. Subsection (3) of section 553.8412, Florida Statutes, is amended to read:

553.8412 Legislative intent; delivery of training; outsourcing.—

(3) To the extent available, funding for outreach, coordination of training, or training may come from existing resources. If necessary, the Florida Building Commission or the department may seek additional or supplemental funds pursuant to s. 215.559(5). This section does not preclude the Florida Building Commission from charging fees to fund the building code training program in a self-sufficient manner as provided in s. 553.841(2)(5).

Section 11. Subsections (9) and (15) of section 553.842, Florida Statutes, are amended to read:

553.842 Product evaluation and approval.—

(9) The commission may adopt rules to approve the following types of entities that produce information on which product approvals are based. All of the following entities, including engineers and architects, must comply with a nationally recognized standard demonstrating independence or no conflict of interest:

(a) Evaluation entities that meet the criteria for approval adopted by the commission by rule. The commission shall specifically approve the National Evaluation Service, the International Conference of Building Officials Evaluation Services, the Building Officials and Code Administrators International Evaluation Services, the Southern Building Code Congress International Evaluation Services, *the International Code Council Evaluation Services*, and the Miami-Dade County Building Code Compliance Office Product Control. Architects and engineers licensed in this state are also approved to conduct product evaluations as provided in subsection (6).

(b) Testing laboratories accredited by national organizations, such as A2LA and the National Voluntary Laboratory Accreditation Program, laboratories accredited by evaluation entities approved under paragraph (a), and laboratories that comply with other guidelines for testing laboratories selected by the commission and adopted by rule.

(c) Quality assurance entities approved by evaluation entities approved under paragraph (a) and by certification agencies approved under paragraph (d) and other quality assurance entities that comply with guidelines selected by the commission and adopted by rule.

(d) Certification agencies accredited by nationally recognized accreditors and other certification agencies that comply with guidelines selected by the commission and adopted by rule.

(e) Validation entities that comply with accreditation standards established by the commission by rule.

(15) The commission shall by rule establish criteria for revocation and suspension of product approvals as well as revocation and suspension of approvals of product evaluation entities, testing laboratories, quality assurance entities, certification agencies, and validation entities. Revocation is governed by s. 120.60 and the uniform rules of procedure.

Section 12. *Notwithstanding section 533.842, Florida Statutes, provisions in Chapter 9B-72, Florida Administrative Code, relating to local government product evaluation and approval are suspended until June 1, 2005.*

(1) *The Florida Building Commission shall create a product approval advisory group to conduct a study to determine the effectiveness and financial impact on the construction industry by the local and state product approval process established in section 553.842, Florida Statutes, and the requirements of Chapter 9B-72 of the Florida Administrative Code. The Florida Building Commission shall submit the findings of the product approval advisory group in its annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 15, 2005. The product approval advisory group shall be comprised of representatives of manufactures, contractors, building officials, local governments, engineers, architects, testing laboratories, evaluation entities, validation entities, certification entities, and other stakeholders identified by the commission.*

(2) *The report submitted to the Legislature pursuant to subsection (1) shall contain specific recommendations on how and whether the product approval process should be modified or amended to enhance and facilitate compliance with Chapter 9B-72 Florida Administrative Code and section 553.842, Florida Statutes.*

Section 13. Paragraph (c) of subsection (1) of section 633.539, Florida Statutes, is amended to read:

633.539 Requirements for installation, inspection, and maintenance of fire protection systems.—

(1) The requirements for installation of fire protection systems are as follows:

(c) Equipment shall be installed in accordance with the applicable standards of the National Fire Protection Association and the manufacturer's specifications, *and the installation shall be undertaken by a fire protection contractor licensed under this chapter and within the scope of licensure as defined in this subsection. The above ground materials and test certificate required by the standards shall be provided by a Contractor I, Contractor II, or Contractor IV. The scope of the above ground material and test certificate begins 1 foot above the finished floor to and including the most remote fire protection device. The Contractor I, Contractor II, or Contractor V is responsible for providing the underground materials and test certificate as required by the standards. The scope of the underground material and test certificate begins at the point of service as defined in this chapter, adopted plumbing code provisions notwithstanding, and finishes no more than 1 foot above the finished floor. A fire protection contractor is not required to assume responsibility for providing a materials and test certificate on work done by others.*

Section 14. *Effective January 1, 2005, all new or retrofitted construction on essential facilities, as defined in ASTM E 1996-02, paragraph 6.2.1.1 (enhanced protection for window and door coverings), which utilizes state or federal grants shall meet ASTM level E impact protections.*

Section 15. *The Florida Building Commission shall study the following issues related to the Americans with Disabilities Act, as adopted in section 553.503, Florida Statutes, and the Americans with Disabilities Accessibility Guidelines, as adopted in section 553.504, Florida Statutes: the placement of grab rails in water closets, the placement of access aisles for disabled parking spaces, and the "discipline of accessibility" to review building plans for accessibility. The commission must consider what the current federal law and the Florida Building Code require, if applicable, and the cost implications of any recommendations the commission may offer. The commission must report its findings and recommendations to the Legislature by December 31, 2004.*

Section 16. *Notwithstanding section 553.73, Florida Statutes, the Florida Building Commission is directed to review the exclusion of enclosed area under a mezzanine from total floor area used to determine allowable mezzanine size in a building classified as an "S" occupancy which has been protected by fire sprinklers. Unless the commission identifies substantive lifesafety concerns pertaining to the provision, the commission shall immediately commence rulemaking to remove the exclusion as it applies to "S" occupancy buildings protected by fire sprinklers.*

Section 17. Subsection (8) is added to section 713.135, Florida Statutes, to read:

713.135 Notice of commencement and applicability of lien.—

(8) *Consistent with the requirements of subsection (6), an authority responsible for issuing building permits under this section may accept a building permit application in an electronic format, as prescribed by the authority. Building permits submitted electronically must contain the following additional statement:*

OWNER'S ELECTRONIC SUBMISSION STATEMENT: *Under penalty of perjury, I declare that the information contained in this building permit application is true and correct.*

Section 18. Subsection (1) of section 1013.20, Florida Statutes, is amended to read:

1013.20 Standards for relocatables used as classroom space; inspections.—

(1) The State Board of Education shall adopt rules establishing standards for relocatables intended for long-term use as classroom space at a public elementary school, middle school, or high school. "Long-term use" means the use of relocatables at the same educational plant for a period of 4 years or more. Each relocatable acquired by a district school board after the effective date of the rules and intended for long-term use

must comply with the standards. District school boards shall submit a plan for the use of existing relocatables within the 5-year work program to be reviewed and approved by the commissioner by January 1, 2003. A progress report shall be provided by the commissioner to the Speaker of the House of Representatives and the President of the Senate each January thereafter. Relocatables that fail to meet the standards after completion of the approved plan may not be used as classrooms. The standards shall protect the health, safety, and welfare of occupants by requiring compliance with the Florida Building Code or the State Requirements for Educational Facilities for existing relocatables, as applicable, to ensure the safety and stability of construction and onsite installation; fire and moisture protection; air quality and ventilation; appropriate wind resistance; and compliance with the requirements of the Americans with Disabilities Act of 1990. If appropriate and where relocatables are not scheduled for replacement, the standards must also require relocatables to provide access to the same technologies available to similar classrooms within the main school facility and, if appropriate, and where relocatables are not scheduled for replacement, *at the discretion of the local school board, may to be accessible by adequate covered walkways. A relocatable that is subject to this section and does not meet the standards shall not be reported as providing satisfactory student stations in the Florida Inventory of School Houses.*

Section 19. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Florida Building Code; amending s. 553.37, F.S.; amending s. 553.415, F.S.; deleting a time deadline requiring the Department of Community Affairs to adopt emergency rules; deleting the department's authority to charge manufacturers a fee for the review of its plans and specifications for construction of a factory-built school building; authorizing the department to delegate its authority to renew plans to another entity having a certified plans examiner; providing that, if a certified plans examiner certifies that plans and specifications of construction are in compliance, the department is required to give its approval; requiring that review and approval for any site plan locating a factory-built school building be performed by the specified school district; requiring each factory-built school building to bear the insignia of the department and a data plate; providing application for the insignia; providing that the manufacturer or the contractor performing the alterations to the factory-built school building may permanently affix the insignia and identification label; providing for the approval, delivery, and installation of lawn storage buildings and storage sheds; amending s. 553.73, F.S.; providing code-amendment review requirements; conforming a cross-reference; providing rulemaking authority; amending s. 553.79, F.S.; exempting truss-placement plans from certain requirements; amending s. 553.791, F.S.; providing conditions for use of private plans review and inspection; conforming cross-references; amending s. 553.80, F.S.; correcting a cross-reference; authorizing local governments to impose certain fees for code enforcement; providing requirements and limitations; amending s. 489.117, F.S.; specifying when a person may perform specialty contracting services for the construction, remodeling, repair, or improvement of a swimming pool or spa without obtaining a local professional license; requiring local authority to permit local registration, as specified, as an alternative to other local licenses; amending s. 553.841, F.S.; revising Building Code Training Program provisions; amending s. 553.8412, F.S.; conforming a cross-reference; amending s. 553.842, F.S.; adding an evaluation entity to the list of entities specifically approved by the commission; suspending a Florida Building Commission Rule relating to local product approval; establishing a product approval advisory committee to study the rule; requiring a report; requiring all new or retrofitted construction on essential facilities which utilizes state or federal grants to meet a higher standard for impact protections; amending s. 633.539, F.S.; requiring that installation of fire protection equipment be done by a contractor licensed under ch. 633, F.S.; specifying the scope of coverage of an above ground materials and test certificate and of an underground materials and test certificate; providing that a fire protection contractor is not required to assume responsibility for providing a materials and test certificate on work done by others; requiring the commission to study accessibility issues; requiring a report; directing the Florida Building Commission to review a provision for determining allowable mezzanine size in certain buildings and, if substantive lifesafety concerns do not support the provision, to immediately adopt rules removing it; amending s. 713.135, F.S.; authorizing the authority responsible for issuing building permits to accept a building permit application in an electronic

format; requiring that the electronic form contain a statement that the information in the application is correct; amending s. 1013.20, F.S.; authorizing a district school board to determine the need for covered walkways; providing effective dates.

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

Amendment 1A (262388)—On page 15, between lines 22 and 23, insert: (8) *The Florida Department of Agriculture and Consumer Services shall not be subject to local government permitting requirements, plan review, and inspection fees for nonoccupied structures such as equipment storage sheds and polebarns not used by the general public.*

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **HB 585** as amended was placed on the calendar of Bills on Third Reading.

On motion by 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.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 2246** to **HB 1127**.

Pending further consideration of **CS for SB 2246** as amended, on motion by Senator Carlton, by two-thirds vote **HB 1127** was withdrawn from the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on Transportation and Economic Development; and Appropriations.

On motion by Senator Carlton—

HB 1127—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.

—a companion measure, was substituted for **CS for SB 2246** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 1127** was placed on the calendar of Bills on Third Reading.

CS for SB 1578—A bill to be entitled An act relating to education; providing that a school district may not require a student to obtain a prescription for any specified controlled substance as a prerequisite to the student's attending school or receiving other services of the school district; providing for rulemaking by the Department of Education; providing an effective date.

—was read the second time by title.

Senator Dawson moved the following amendment:

Amendment 1 (030792)(with title amendment)—On page 2, line 6 through page 5, line 13, delete those lines and insert:

Section 1. Section 1006.0625, Florida Statutes, is created to read:

1006.0625 *Prohibition on requiring certain medication.*—

(1) *Each district school board shall prohibit school district personnel from requiring a student to obtain a prescription for, and take as medication, a controlled substance listed in Schedule II, s. 202(c) of the Controlled Substances Act, 21 U.S.C. s. 812(c), or any psychotropic or similar mind-altering drug as a condition of attending school or receiving educational services provided by the state. This section does not prohibit school district personnel from consulting or sharing classroom-based observations with parents regarding a student's academic performance or behavior in the classroom or school or regarding the need for evaluation for special education or related services.*

(2) *The State Board of Education shall adopt rules to administer this section.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 3 through page 2, line 1, delete those lines and insert: medications to minors; creating s. 1006.0625, F.S.; requiring district school boards to prohibit school district personnel from requiring a student to take certain medication as a condition of attending school or receiving educational services; requiring the State Board of Education to adopt rules;

Senator Smith offered the following amendment to **Amendment 1** which was moved by Senator Cowin and adopted:

Amendment 1A (684128)(with title amendment)—On page 2, line 5, insert:

Section 2. Section 743.0645, Florida Statutes, is amended to read:

743.0645 Other persons who may consent to medical care or treatment of a minor; *Center for Juvenile Psychotropic Studies; creation; purpose; advisory board; report.*—

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

(a) “Blood testing” includes Early Periodic Screening, Diagnosis, and Treatment (EPSDT) testing and other blood testing deemed necessary by documented history or symptomatology but excludes HIV testing and controlled substance testing or any other testing for which separate court order or informed consent as provided by law is required.

(b) “Medical care and treatment” includes ordinary and necessary medical and dental examination and treatment, including blood testing, preventive care including ordinary immunizations, tuberculin testing, and well-child care, but does not include surgery, general anesthesia, provision of psychotropic medications, or other extraordinary procedures for which a separate court order, power of attorney, or informed consent as provided by law is required.

(c) “Person who has the power to consent as otherwise provided by law” includes a natural or adoptive parent, legal custodian, or legal guardian.

(d) “Psychotropic medication” means a medicine that may not be dispensed or administered without a prescription which is used for the treatment of medical disorders, and includes hypnotics, antipsychotics, antidepressants, anti-anxiety agents, sedatives, and mood stabilizers such as lithium, Depakote, and other anticonvulsants used as mood stabilizers and psychomotor stimulants. This paragraph expires July 1, 2005.

(2) Any of the following persons, in order of priority listed, may consent to the medical care or treatment of a minor who is not committed to the Department of Children and Family Services or the Department of Juvenile Justice or in their custody under chapter 39, chapter 984, or chapter 985 when, after a reasonable attempt, a person who has the power to consent as otherwise provided by law cannot be contacted by the treatment provider and actual notice to the contrary has not been given to the provider by that person:

(a) A person who possesses a power of attorney to provide medical consent for the minor. A power of attorney executed after July 1, 2001, to provide medical consent for a minor includes the power to consent to medically necessary surgical and general anesthesia services for the minor unless such services are excluded by the individual executing the power of attorney.

(b) The stepparent.

(c) The grandparent of the minor.

(d) An adult brother or sister of the minor.

(e) An adult aunt or uncle of the minor.

There shall be maintained in the treatment provider’s records of the minor documentation that a reasonable attempt was made to contact the person who has the power to consent.

(3) The Department of Children and Family Services or the Department of Juvenile Justice caseworker, juvenile probation officer, or person primarily responsible for the case management of the child, the

administrator of any facility licensed by the department under s. 393.067, s. 394.875, or s. 409.175, or the administrator of any state-operated or state-contracted delinquency residential treatment facility may consent to the medical care or treatment of any minor committed to it or in its custody under chapter 39, chapter 984, or chapter 985, when the person who has the power to consent as otherwise provided by law cannot be contacted and such person has not expressly objected to such consent. There shall be maintained in the records of the minor documentation that a reasonable attempt was made to contact the person who has the power to consent as otherwise provided by law.

(4) The medical provider shall notify the parent or other person who has the power to consent as otherwise provided by law as soon as possible after the medical care or treatment is administered pursuant to consent given under this section. The medical records shall reflect the reason consent as otherwise provided by law was not initially obtained and shall be open for inspection by the parent or other person who has the power to consent as otherwise provided by law.

(5) The person who gives consent; a physician, dentist, nurse, or other health care professional licensed to practice in this state; or a hospital or medical facility, including, but not limited to, county health departments, shall not incur civil liability by reason of the giving of consent, examination, or rendering of treatment, provided that such consent, examination, or treatment was given or rendered as a reasonable prudent person or similar health care professional would give or render it under the same or similar circumstances.

(6) *The Center for Juvenile Psychotropic Studies is created within the Department of Psychiatry of the College of Medicine of the University of Florida. The purpose of the center is to collect, track, and assess information regarding minors in state custody held pursuant to chapter 39, chapter 984, or chapter 985 who have been or are currently being prescribed psychotropic medications.*

(a) *In addition to determining the number of children in state custody who are receiving psychotropic medications, the types and dosages of medication being prescribed to those children, and any other data relevant to scientifically assessing the status of minors in state custody who are receiving psychotropic medications, the center shall evaluate:*

1. *Whether the child received a full and complete medical evaluation and, to the extent that the medication was prescribed for a psychiatric condition and it is possible to determine from available records, whether or not all other possible physical causes had been ruled out prior to the prescribing of psychotropic medication.*

2. *What other treatments and services were recommended for the child in addition to psychotropic medication and whether or not those services were offered or delivered.*

3. *Whether or not informed consent was received from a parent, legal guardian, or the court prior to initiating treatment.*

4. *Whether or not followup monitoring and treatment appropriate to the child’s diagnosis and prescribed medication were provided to the child.*

5. *In cases where court authorization was sought, whether a full and complete child resource record was provided to the court for decision-making purposes.*

6. *Whether or not the prescription for and type of psychotropic medications prescribed for the child were appropriate for the age and diagnosis of the child and consistent with the medical standard of care for the treatment of the child’s condition.*

(b) *The director of the Center for Juvenile Psychotropic Studies shall be appointed by the Dean of the College of Medicine of the University of Florida.*

(c) *There is created an advisory board that shall periodically and objectively review and advise the center on the academic rigor and research parameters of all actions taken pursuant to this subsection. The board shall consist of the following nine members who have backgrounds in psychiatric health:*

1. *The Secretary of Children and Family Services or his or her designee;*

2. *The Secretary of Juvenile Justice or his or her designee;*
 3. *The Secretary of Health Care Administration or his or her designee;*
 4. *The Secretary of Health or his or her designee;*
 5. *One member appointed by the President of the Senate from the Florida Psychiatric Society who specializes in treating children and adolescents;*
 6. *One member appointed by the Speaker of the House of Representatives who is a pediatrician experienced in treating children and adolescents with psychiatric diseases;*
 7. *One member appointed by the President of the University of Florida who is an epidemiologist; and*
 8. *Two members appointed by the Governor, one of whom has experience serving as a guardian ad litem to children and adolescents in the custody of the state who have psychiatric diseases, and one of whom is employed by the Louis de la Parte Florida Mental Health Institute and has experience in the academic study of children and adolescents with psychiatric diseases.*
 - (d) *The center shall work in conjunction with the Department of Children and Family Services, the Department of Juvenile Justice, the Agency for Health Care Administration, and the Department of Health, and, to the extent allowed by the privacy requirements of federal and state laws, those agencies shall work with the center and make available to the center data regarding such dependent minors, including, but not limited to:*
 1. *Demographic information, including, but not limited to, age, geographic location, and economic status.*
 2. *A family history of each dependent minor, including, but not limited to, the minor's involvement with the child welfare system or the juvenile justice system, all applicable social service records, and all applicable court records.*
 3. *A medical history of each dependent minor, including, but not limited to, the minor's medical condition.*
 4. *All information regarding the medications prescribed or administered to each minor, including, but not limited to, information contained in each minor's medication administration record.*
 5. *Practice patterns, licensure, and board certification of prescribing physicians.*
 - (e) *All oral and written records, information, letters, and reports received, made, or maintained by the center shall be maintained in a manner consistent with all applicable state and federal law.*
 - (f) *A privilege against civil liability is granted to any person furnishing medical records in furtherance of the charge of the center, unless such person furnishing medical records acted in bad faith or with malice in providing such information. A person who participates in the center's research activities or provides information to the center with regard to the incompetence, impairment, or unprofessional conduct of any health care provider licensed under chapter 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter 463, chapter 464, chapter 465, or chapter 466 may not be held liable in any civil action for furnishing such medical records if such person acts without intentional fraud or malice.*
 - (g) *By January 1, 2005, the center shall report its findings regarding psychotropic medications prescribed to dependent minors in state custody to the President of the Senate, the Speaker of the House of Representatives, and the appropriate committee chairs of the Senate and the House of Representatives.*
 - (h) *This subsection expires July 1, 2005.*
- (7)(6) The Department of Children and Family Services and the Department of Juvenile Justice may adopt rules to implement this section.
- (8)(7) This section does not affect other statutory provisions of this state that relate to medical consent for minors.

And the title is amended as follows:

On page 2, line 21, after the semicolon (;) insert: 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;

Senator Cowin moved the following amendment to **Amendment 1:**

Amendment 1B (164372)(with title amendment)—On page 2, between lines 5 and 6, insert:

Section 2. Subsection (1) of section 39.401, Florida Statutes, is amended to read:

39.401 Taking a child alleged to be dependent into custody; law enforcement officers and authorized agents of the department.—

(1) A child may only be taken into custody:

(a) Pursuant to the provisions of this part, based upon sworn testimony, either before or after a petition is filed; or

(b) By a law enforcement officer, or an authorized agent of the department, if the officer or authorized agent has probable cause to support a finding:

1. That the child has been abused, neglected, or abandoned, or is suffering from or is in imminent danger of illness or injury as a result of abuse, neglect, or abandonment;

2. That the parent or legal custodian of the child has materially violated a condition of placement imposed by the court; or

3. That the child has no parent, legal custodian, or responsible adult relative immediately known and available to provide supervision and care.

The refusal of a parent, legal guardian, or other person responsible for a child's welfare to administer or consent to the administration of any psychotropic medication to the child does not, in and of itself, constitute grounds for the department to take the child into custody, or for any court to order that the child be taken into custody by the department, unless the refusal to administer or consent to the administration of psychotropic medication causes the child to be neglected or abused.

Section 3. Section 402.3127, Florida Statutes, is created to read:

402.3127 *Unauthorized administration of medication.—*

(1) *An employee, owner, household member, volunteer, or operator of a child care facility, large family child care home, or family day care home, as defined in s. 402.302, including a child care program operated by a public or nonpublic school deemed to be child care under s. 402.3025, which is required to be licensed or registered, may not, without written authorization from a child's parent or legal guardian, administer any medication to a child attending the child care facility, large family child care home, or family day care home. The written authorization to administer medication must include the child's name, the date or dates for which the authorization is applicable, dosage instructions, and the signature of the child's parent or legal guardian.*

(2) *In the event of an emergency medical condition when a child's parent or legal guardian is unavailable, an employee, owner, household member, volunteer, or operator of a licensed or unlicensed child care facility, large family child care home, or family day care home may administer medication to a child attending the facility or home without the written authorization required in subsection (1) if the medication is administered according to instructions from a prescribing health care practitioner. The child care facility, large family child care home, or family day care home must immediately notify the child's parent or legal*

guardian of the emergency medical condition and of the corrective measures taken. If the parent or legal guardian remains unavailable and the child's emergency medical condition persists, the child care facility must immediately notify the child's medical care provider.

(3) As used in this section, the term "emergency medical condition" means circumstances in which a prudent layperson acting reasonably would believe that an emergency medical condition exists.

(4)(a) A person who violates this section commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083, if the violation results in serious injury to the child.

(b) A person who violates this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, if the violation does not result in serious injury to the child.

Section 4. Subsection (8) is added to section 1006.062, Florida Statutes, to read:

1006.062 Administration of medication and provision of medical services by district school board personnel.—

(8) Each district school board shall adopt rules that prohibit all district school board personnel, except psychiatrists licensed under chapter 458 or chapter 459, from recommending the use of psychotropic medications for any student. This subsection does not prohibit district school board personnel from recommending that a student be evaluated by an appropriate medical practitioner and does not prohibit district school board personnel from consulting with such a practitioner with the consent of the student's parent.

And the title is amended as follows:

On page 2, line 21, after the semicolon (;) insert: 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;

On motion by Senator Dawson, further consideration of **CS for SB 1578** with pending **Amendment 1 (030792)** and **Amendment 1B (164372)** was deferred.

Consideration of **CS for CS for SB 3004**, **CS for CS for SB 3006**, **CS for CS for SB 1380**, **CS for SB 2322**, and **CS for SB 3000** was deferred.

On motion by Senator Aronberg—

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

—was read the second time by title.

Senator Aronberg moved the following amendment which was adopted:

Amendment 1 (954690)—On page 1, line 20 through page 3, line 10, delete those lines and insert: 817.805, and 817.806, Florida Statutes, is created to read:

PART IV
CREDIT COUNSELING SERVICES

817.801 Definitions.—As used in this part:

(1) "Credit counseling services" means confidential money management, debt reduction, and financial educational services.

(2) "Debt management services" means services provided to a debtor by a credit counseling organization for a fee to:

(a) Effect the adjustment, compromise, or discharge of any unsecured account, note, or other indebtedness of the debtor; or

(b) Receive from the debtor and disburse to a creditor any money or other thing of value.

(3) "Person" means any individual, corporation, partnership, trust, association, or other legal entity.

(4) "Credit counseling agency" means any organization providing debt management services or credit counseling services.

817.802 Unlawful fees and costs.—

(1) It is unlawful for any person, while engaging in debt management services or credit counseling services, to charge or accept from a debtor, directly or indirectly, a fee or contribution greater than \$50 for the initial setup or initial consultation. Subsequently, the person may not charge or accept a fee or contribution from a debtor greater than \$120 per year for additional consultations or, alternatively, if debt management services as defined in s. 817.801(2)(b) are provided, the person may charge the greater of 7.5 percent of the amount paid monthly by the debtor to the person or \$35 per month.

(2) No provision of this section prohibits any person, while engaging in debt management or credit counseling services, from imposing upon and receiving from a debtor a reasonable and separate charge or fee for insufficient funds transactions.

817.803 Exceptions.—Nothing in this part applies to:

(1) Any debt management or credit counseling services provided in the practice of law in this state;

(2) Any person who engages in debt adjustment to adjust the indebtedness owed to such person; or

(3) The following entities or their subsidiaries:

(a) The Federal National Mortgage Association;

(b) The Federal Home Loan Mortgage Corporation;

(c) The Florida Housing Finance Corporation, a public corporation created in s. 420.504;

(d) A bank, bank holding company, trust company, savings and loan association, credit union, credit card bank, or savings bank that is regulated and supervised by the Office of the Comptroller of the Currency, the Office of Thrift Supervision, the Federal Reserve, the Federal Deposit Insurance Corporation, the National Credit Union Administration, the Office of Financial Regulation of the Department of Financial Services, or any state banking regulator;

(e) A consumer reporting agency as defined in the Federal Fair Credit Reporting Act, 15 U.S.C. ss. 1681-1681y, as it existed on April 5, 2004; or

(f) Any subsidiary or affiliate of a bank holding company, its employees and its exclusive agents acting under written agreement.

Pursuant to Rule 4.19, **CS for CS for SB 2682** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **SM 2818** was deferred.

On motion by Senator Haridopolos—

CS for SB 2322—A bill to be entitled An act relating to communications services taxes; amending s. 202.16, F.S.; providing requirements for dealers making certain sales for resale; providing procedures and limitations; providing a definition; providing responsibilities of the Department of Revenue; amending s. 202.19, F.S.; clarifying the inclusion of certain fees and costs in the tax rate; amending s. 202.20, F.S.; authorizing the Department of Revenue or a dealer to make an adjustment in the event of a reallocation of revenue away from local government; repealing s. 202.20(2)(a), F.S., relating to obsolete tax rate provisions; amending s. 202.21, F.S., to conform; specifying certain revisions to law as remedial and clarifying; granting no right to a refund of any fees or charges paid prior to a certain date; providing an exception; providing an effective date.

—was read the second time by title.

Senator Margolis offered the following amendment which was moved by Senator Haridopolos and adopted:

Amendment 1 (924908)(with title amendment)—On page 9, between lines 9 and 10, insert:

Section 7. Paragraph (a) of subsection (13) of section 365.171, Florida Statutes, is amended to read:

365.171 Emergency telephone number “911.”—

(13) “911” FEE.—

(a) Following approval by referendum as set forth in paragraph (b), or following approval by a majority vote of its board of county commissioners, a county may impose a “911” fee to be paid by the local exchange subscribers within its boundaries served by the “911” service. Proceeds from the “911” fee shall be used only for “911” expenditures as set forth in subparagraph 6. The manner of imposing and collecting said payment shall be as follows:

1. At the request of the county subscribing to “911” service, the telephone company shall, insofar as is practicable, bill the “911” fee to the local exchange subscribers served by the “911” service, on an individual access line basis, at a rate not to exceed 50 cents per month per line (up to a maximum of 25 access lines per account bill rendered). However, the fee may not be assessed on any pay telephone in this state. A county collecting the fee for the first time may collect the fee for no longer than 36 months without initiating the acquisition of its “911” equipment.

2. Fees collected by the telephone company pursuant to subparagraph 1. shall be returned to the county, less the costs of administration retained pursuant to paragraph (c). The county shall provide a minimum of 90 days’ written notice to the telephone company prior to the collection of any “911” fees.

3. Any county that currently has an operational “911” system or that is actively pursuing the implementation of a “911” system shall establish a fund to be used exclusively for receipt and expenditure of “911” fee revenues collected pursuant to this section. All fees placed in said fund, and any interest accrued thereupon, shall be used solely for “911” costs described in subparagraph 6. The money collected and interest earned in this fund shall be appropriated for “911” purposes by the county commissioners and incorporated into the annual county budget. Such fund shall be included within the financial audit performed in accordance with s. 218.39. A report of the audit shall be forwarded to the office within 60 days of its completion. A county may carry forward on an annual basis unspent moneys in the fund for expenditures allowed by this section, or it may reduce its fee. However, in no event shall a county carry forward more than 10 percent of the “911” fee billed for the prior year. The amount of moneys carried forward each year may be accumulated in order to allow for capital improvements described in this subsection. The carryover shall be documented by resolution of the board of county commissioners expressing the purpose of the carryover or by an adopted capital improvement program identifying projected expansion or replacement expenditures for “911” equipment and service features, or both. In no event shall the “911” fee carryover surplus moneys be used for any purpose other than for the “911” equipment, service features, and installation charges authorized in subparagraph 6. Nothing in this section shall prohibit a county from using other sources of revenue for improvements, replacements, or expansions of its “911” system. A

county may increase its fee for purposes authorized in this section. However, in no case shall the fee exceed 50 cents per month per line. All current “911” fees shall be reported to the office within 30 days of the start of each county’s fiscal period. Any fee adjustment made by a county shall be reported to the office. A county shall give the telephone company a 90-day written notice of such fee adjustment.

4. The telephone company shall have no obligation to take any legal action to enforce collection of the “911” fee. The telephone company shall provide quarterly to the county a list of the names, addresses, and telephone numbers of any and all subscribers who have identified to the telephone company their refusal to pay the “911” fee.

5. The county subscribing to “911” service shall remain liable to the telephone company for any “911” service, equipment, operation, or maintenance charge owed by the county to the telephone company.

As used in this paragraph, “telephone company” means an exchange telephone service provider of “911” service or equipment to any county within its certificated area.

6. It is the intent of the Legislature that the “911” fee authorized by this section to be imposed by counties will not necessarily provide the total funding required for establishing or providing the “911” service. For purposes of this section, “911” service includes the functions of database management, call taking, location verification, and call transfer. The following costs directly attributable to the establishment and/or provision of “911” service are eligible for expenditure of moneys derived from imposition of the “911” fee authorized by this section: the acquisition, implementation, and maintenance of Public Safety Answering Point (PSAP) equipment and “911” service features, as defined in the Florida Public Service Commission’s lawfully approved “911” and related tariffs and/or the acquisition, installation, and maintenance of other “911” equipment, including call answering equipment, call transfer equipment, ANI controllers, ALI controllers, ANI displays, ALI displays, station instruments, “911” telecommunications systems, teleprinters, logging recorders, instant playback recorders, telephone devices for the deaf (TDD) used in the “911” system, PSAP backup power systems, consoles, automatic call distributors, and interfaces (hardware and software) for computer-aided dispatch (CAD) systems; salary and associated expenses for “911” call takers for that portion of their time spent taking and transferring “911” calls; salary and associated expenses for a county to employ a full-time equivalent “911” coordinator position and a full-time equivalent staff assistant position per county for the portion of their time spent administrating the “911” system; training costs for PSAP call takers in the proper methods and techniques used in taking and transferring “911” calls; expenses required to develop and maintain all information (ALI and ANI databases and other information source repositories) necessary to properly inform call takers as to location address, type of emergency, and other information directly relevant to the “911” call-taking and transferring function; and, in a county defined in s. 125.011(1), such expenses related to a nonemergency “311” system, or similar nonemergency system, which improves the overall efficiency of an existing “911” system or reduces “911” emergency response time for a 2-year pilot project that ends June 30, 2009 2008. However, no wireless telephone service provider shall be required to participate in this pilot project or to otherwise implement a nonemergency “311” system or similar nonemergency system. The “911” fee revenues shall not be used to pay for any item not listed, including, but not limited to, any capital or operational costs for emergency responses which occur after the call transfer to the responding public safety entity and the costs for constructing buildings, leasing buildings, maintaining buildings, or renovating buildings, except for those building modifications necessary to maintain the security and environmental integrity of the PSAP and “911” equipment rooms.

7. It is the goal of the Legislature that enhanced “911” service be available throughout the state. Expenditure by counties of the “911” fees authorized by this section should support this goal to the greatest extent feasible within the context of local service needs and fiscal capability. Nothing in this section shall be construed to prohibit two or more counties from establishing a combined emergency “911” telephone service by interlocal agreement and utilizing the “911” fees authorized by this section for such combined “911” service.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 19, after the second semicolon (;) insert: amending s. 365.171, F.S.; continuing the authorization for certain counties to expend moneys derived from the "911" fee for nonemergency telecommunications; deleting the limitation imposed under a pilot project;

Pursuant to Rule 4.19, CS for SB 2322 as amended was ordered engrossed and placed on the calendar of Bills on Third Reading.

CS for CS for SB 354—A bill to be entitled An act relating to public school educational instruction; creating s. 1003.415, F.S.; providing the popular name the "Middle Grades Reform Act"; providing purpose and intent; defining the term "middle grades"; requiring a review and recommendations relating to curricula and courses; requiring implementation of new or revised reading and language arts courses; providing for implementation of a rigorous reading requirement in certain schools; requiring the Department of Education to provide technical assistance; requiring a study of the academic performance of middle grade students and schools with recommendations for an increase in performance; requiring a personalized middle school success plan for certain students; providing authority for State Board of Education rulemaking and enforcement; amending s. 1001.42, F.S.; requiring a school improvement plan to include the rigorous reading requirement if applicable; amending s. 1008.25, F.S.; requiring a personalized middle school success plan to be incorporated in a student's academic improvement plan if applicable; amending s. 1012.34, F.S.; revising assessment criteria for instructional personnel; providing an effective date.

—was read the second time by title.

Senator Siplin moved the following amendment which failed:

Amendment 1 (452864)(with title amendment)—On page 10, lines 29 and 30, delete those lines and insert:

Section 5. Section 1008.23, Florida Statutes, is amended to read:

1008.23 Confidentiality of assessment instruments.—All examination and assessment instruments, including developmental materials and workpapers directly related thereto, which are prepared, prescribed, or administered pursuant to ss. 1003.43, 1008.22, and 1008.25 shall be confidential and exempt from the provisions of s. 119.07(1) and from s. 1001.52. Provisions governing access, maintenance, and destruction of such instruments and related materials shall be prescribed by rules of the State Board of Education. *However, a student's parent, accompanied by the student, may review, at the student's school at which the student was enrolled when the student was administered the Florida Comprehensive Assessment Test, the questions on each section of the criterion-referenced portion of the Florida Comprehensive Assessment Test as well as the student's answers to those questions, under the following conditions:*

(1) *The student must have failed to earn a passing score on the grade 10 Florida Comprehensive Assessment Test or failed to score at Level 2 or higher on the Florida Comprehensive Assessment Test in reading for grade 3.*

(2) *No recording or copying of the assessment may be made.*

(3) *A school administrator, as defined in s. 1012.01(3)(c), or a representative of the Department of Education must be present at all times when the assessment is reviewed.*

(4) *The student or student's parent may not review the assessment more than one time.*

(5) *No other individual is authorized to attend the review.*

(6) *The assessment was not administered to the student more than 2 years before the review.*

(7) *The student or student's parent may not remove the assessment from the reviewing location.*

(8) *The student, the student's parent, or the school administrator may not take any notes during the review.*

(9) *The parent requests the review subsequent to the determination of the student's score and within 14 days following the determination of the student's score.*

The Department of Education shall ensure that the assessment questions and the student's answers are provided for the requested review within 30 days following the complete scoring of the assessment upon proper request by the parent. The district school boards shall notify eligible parents of the review option and the procedures for the review. The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this section. If the review request is not met in accordance with this section, the parent is entitled to reasonable attorney's fees and costs incurred by the parent in obtaining compliance with this section.

Section 6. Subsection (9) of section 1008.22, Florida Statutes, is amended to read:

1008.22 Student assessment program for public schools.—

(9) EQUIVALENCIES FOR STANDARDIZED TESTS.—

(a) ~~The Commissioner of Education shall determine the comparable validity of other available standardized tests, including the SAT, ACT, College Placement Test, PSAT, PLAN, and tests used for entry into the military. If such tests are deemed to be valid and reliable measures, the commissioner shall approve the use of the SAT and ACT such tests as alternative alternate assessments to the grade 10 FCAT for the 2003-2004 2002-2003 school year. Students who attain scores on the SAT or ACT which that equate to the passing scores on the grade 10 FCAT for purposes of high school graduation on any of the approved alternative assessments shall satisfy the assessment requirement for a standard high school diploma as provided in s. 1003.43(5)(a) for the 2003-2004 2002-2003 school year graduating class if the students meet the requirement in paragraph (b). Prior to the application of these alternative assessments in subsequent school years, the Legislature shall review the continued use of these alternative tests.~~

(b) *A student must take the grade 10 FCAT for a total of three times without earning a passing score in order to use the scores on the alternative assessments in paragraph (a).*

Section 7. Subsection (1) of section 1003.433, Florida Statutes, is amended to read:

1003.433 Learning opportunities for out-of-state and out-of-country transfer students and students needing additional instruction to meet high school graduation requirements.—

(1) Students who enter a Florida public school at the eleventh or twelfth grade from out of state or from a foreign country shall not be required to spend additional time in a Florida public school in order to meet the high school course requirements if the student has met all requirements of the school district, state, or country from which he or she is transferring. Such students who are not proficient in English should receive immediate and intensive instruction in English language acquisition. However, to receive a standard high school diploma, a transfer student must:

(a) Earn a 2.0 grade point average; and

(b) Pass the grade 10 FCAT required in s. 1008.22(3), if the student is an eleventh grade student; or

(c) *Beginning in the 2004-2005 school year, attain scores on the SAT or ACT which equate to the passing scores on the grade 10 FCAT, if the student is a twelfth grade student an alternate assessment as described in s. 1008.22(9).*

Section 8. *Section 1008.301, Florida Statutes, as created by section 2 of chapter 2003-80, Laws of Florida, is repealed.*

Section 9. This act shall take effect upon becoming a law, except that section 5 of this act shall take effect July 1, 2004, and shall apply to each Florida Comprehensive Assessment Test administered after July 1, 2004.

And the title is amended as follows:

On page 1, line 28, after the semicolon (;) insert: amending s. 1008.23, F.S.; authorizing a student's parent and the accompanying student to review the questions and the student's answers to those questions on the criterion-referenced portion of the Florida Comprehensive Assessment Test; providing restrictions on the review; requiring the

Department of Education to honor the requests within a certain time period; requiring that district school boards notify eligible parents; requiring the State Board of Education to adopt rules; authorizing reasonable attorney's fees and costs under certain circumstances; amending s. 1008.22, F.S.; delaying the date by which the Commissioner of Education must approve the use of specified standardized tests as an alternative to the grade 10 Florida Comprehensive Assessment Test (FCAT); allowing passage of the alternative tests to satisfy the assessment requirement for students graduating from high school in the 2003-2004 school year, subject to certain conditions; amending s. 1003.433, F.S.; allowing passage of alternate assessments in lieu of the grade 10 FCAT for certain transfer students subject to certain conditions beginning in the 2004-2005 school year; repealing s. 1008.301, F.S., relating to concordance studies by the State Board of Education; providing for applicability;

Senator Constantine moved the following amendment:

Amendment 2 (241868)(with title amendment)—On page 7, line 24 through page 10, line 30, delete those lines and insert:

Section 2. Paragraph (a) of subsection (16) and paragraph (a) of subsection (17) of section 1001.42, Florida Statutes, are amended to read:

1001.42 Powers and duties of district school board.—The district school board, acting as a board, shall exercise all powers and perform all duties listed below:

(16) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—Maintain a system of school improvement and education accountability as provided by statute and State Board of Education rule. This system of school improvement and education accountability shall be consistent with, and implemented through, the district's continuing system of planning and budgeting required by this section and ss. 1008.385, 1010.01, and 1011.01. This system of school improvement and education accountability shall include, but is not limited to, the following:

(a) School improvement plans.—Annually approve and require implementation of a new, amended, or continuation school improvement plan for each school in the district, except that a district school board may establish a district school improvement plan that includes all schools in the district operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs. Such plan shall be designed to achieve the state education priorities pursuant to s. 1000.03(5) and student performance standards. *In addition, any school required to implement a rigorous reading requirement pursuant to s. 1003.415 must include such component in its school improvement plan.* Each plan shall also address issues relative to budget, training, instructional materials, technology, staffing, student support services, specific school safety and discipline strategies, *student health and fitness, including physical fitness, parental information on student health and fitness, and indoor environmental air quality,* and other matters of resource allocation, as determined by district school board policy, and shall be based on an analysis of student achievement and other school performance data.

(17) LOCAL-LEVEL DECISIONMAKING.—

(a) Adopt policies that clearly encourage and enhance maximum decisionmaking appropriate to the school site. Such policies must include guidelines for schools in the adoption and purchase of district and school site instructional materials and technology, *the implementation of student health and fitness standards,* staff training, school advisory council member training, student support services, budgeting, and the allocation of staff resources.

Section 3. Paragraph (b) of subsection (4) of section 1008.25, Florida Statutes, is amended to read:

1008.25 Public school student progression; remedial instruction; reporting requirements.—

(4) ASSESSMENT AND REMEDIATION.—

(b) The school in which the student is enrolled must develop, in consultation with the student's parent, and must implement an academic improvement plan designed to assist the student in meeting state

and district expectations for proficiency. *For a student for whom a personalized middle school success plan is required pursuant to s. 1003.415, the middle school success plan must be incorporated in the student's academic improvement plan.* Beginning with the 2002-2003 school year, if the student has been identified as having a deficiency in reading, the academic improvement plan shall identify the student's specific areas of deficiency in phonemic awareness, phonics, fluency, comprehension, and vocabulary; the desired levels of performance in these areas; and the instructional and support services to be provided to meet the desired levels of performance. Schools shall also provide for the frequent monitoring of the student's progress in meeting the desired levels of performance. District school boards shall assist schools and teachers to implement research-based reading activities that have been shown to be successful in teaching reading to low-performing students. Remedial instruction provided during high school may not be in lieu of English and mathematics credits required for graduation.

Section 4. Paragraph (a) of subsection (3) of section 1012.34, Florida Statutes, is amended to read:

1012.34 Assessment procedures and criteria.—

(3) The assessment procedure for instructional personnel and school administrators must be primarily based on the performance of students assigned to their classrooms or schools, as appropriate. The procedures must comply with, but are not limited to, the following requirements:

(a) An assessment must be conducted for each employee at least once a year. The assessment must be based upon sound educational principles and contemporary research in effective educational practices. The assessment must primarily use data and indicators of improvement in student performance assessed annually as specified in s. 1008.22 and may consider results of peer reviews in evaluating the employee's performance. Student performance must be measured by state assessments required under s. 1008.22 and by local assessments for subjects and grade levels not measured by the state assessment program. The assessment criteria must include, but are not limited to, indicators that relate to the following:

1. Performance of students.
2. Ability to maintain appropriate discipline.
3. Knowledge of subject matter. The district school board shall make special provisions for evaluating teachers who are assigned to teach out-of-field.
4. Ability to plan and deliver instruction, including *implementation of the rigorous reading requirement pursuant to s. 1003.415, when applicable,* and the use of technology in the classroom.
5. Ability to evaluate instructional needs.
6. Ability to establish and maintain a positive collaborative relationship with students' families to increase student achievement.
7. Other professional competencies, responsibilities, and requirements as established by rules of the State Board of Education and policies of the district school board.

Section 5. Subsection (9) of section 1008.22, Florida Statutes, is amended to read:

1008.22 Student assessment program for public schools.—

(9) EQUIVALENCIES FOR STANDARDIZED TESTS.—

(a) The Commissioner of Education shall ~~determine the comparable validity of other available standardized tests, including the SAT, ACT, College Placement Test, PSAT, PLAN, and tests used for entry into the military. If such tests are deemed to be valid and reliable measures, the commissioner shall approve the use of the SAT and ACT such tests as alternative~~ alternate assessments to the grade 10 FCAT for the 2003-2004 ~~2002-2003~~ school year. Students who attain scores on the SAT or ACT which ~~that~~ equate to the passing scores on the grade 10 FCAT for purposes of high school graduation ~~on any of the approved alternative assessments~~ shall satisfy the assessment requirement for a standard high school diploma as provided in s. 1003.43(5)(a) for the 2003-2004 ~~2002-2003~~ school year graduating class *if the students meet the requirement in paragraph (b).* ~~Prior to the application of these alternative~~

assessments in subsequent school years, the Legislature shall review the continued use of these alternative tests.

(b) A student must take the grade 10 FCAT for a total of three times without earning a passing score in order to use the scores on the alternative assessments in paragraph (a).

Section 6. Subsection (1) of section 1003.433, Florida Statutes, is amended to read:

1003.433 Learning opportunities for out-of-state and out-of-country transfer students and students needing additional instruction to meet high school graduation requirements.—

(1) Students who enter a Florida public school at the eleventh or twelfth grade from out of state or from a foreign country shall not be required to spend additional time in a Florida public school in order to meet the high school course requirements if the student has met all requirements of the school district, state, or country from which he or she is transferring. Such students who are not proficient in English should receive immediate and intensive instruction in English language acquisition. However, to receive a standard high school diploma, a transfer student must:

- (a) Earn a 2.0 grade point average; and
- (b) Pass the grade 10 FCAT required in s. 1008.22(3), if the student is an eleventh grade student; or
- (c) Beginning in the 2004-2005 school year, attain scores on the SAT or ACT which equate to the passing scores on the grade 10 FCAT, if the student is a twelfth grade student ~~an alternate assessment as described in s. 1008.22(9).~~

Section 7. Section 1008.301, Florida Statutes, as created by section 2 of chapter 2003-80, Laws of Florida, is repealed.

Section 8. Effective July 1, 2004, section 1003.429, Florida Statutes, is amended to read:

1003.429 Accelerated high school graduation options.—

(1) ~~Students who enter the 9th grade in the 2004-2005 school year~~ Beginning with the 2003-2004 school year, all students scheduled to graduate in 2004 and thereafter may select, upon receipt of each consent required by this section, one of the following two ~~three~~ high school graduation options:

(a) Completion of the general requirements for high school graduation pursuant to s. 1003.43; or

(b) Completion of a 3-year standard college preparatory program requiring successful completion of a minimum of 18 academic credits in grades 9 through 12. At least 6 of the 18 credits required for completion of this program must be received in classes offered pursuant to the International Baccalaureate Program administered by the International Baccalaureate Office or the Advanced Placement Program administered by the College Board. The 18 credits required for completion of this program shall be primary requirements and shall be distributed as follows:

1. Four credits in English, with major concentration in composition and literature;
2. Three credits in mathematics at the Algebra I level or higher from the list of courses that qualify for state university admission;
3. Three credits in natural science, two of which must have a laboratory component;
4. Three credits in social sciences, one of which must include instruction regarding democracy and the history and principles of the United States of America;
5. Two credits in the same second language unless the student is a native speaker of or can otherwise demonstrate competency in a language other than English. If the student demonstrates competency in another language, the student may replace the language requirement with two credits in other academic courses; and

6. Three credits in electives; ~~or~~

Prior to selecting the program described in this paragraph, a student and the student's parent must meet with designated school personnel to receive an explanation of the relative requirements, advantages, and disadvantages of each program option, and the student must also receive the written consent of the student's high school principal, high school guidance counselor, and parent.

(c) ~~Completion of a 3-year career preparatory program requiring successful completion of a minimum of 18 academic credits in grades 9 through 12. The 18 credits shall be primary requirements and shall be distributed as follows:~~

1. ~~Four credits in English, with major concentration in composition and literature;~~
2. ~~Three credits in mathematics, one of which must be Algebra I;~~
3. ~~Three credits in natural science, two of which must have a laboratory component;~~
4. ~~Three credits in social sciences;~~
5. ~~Two credits in the same second language unless the student is a native speaker of or can otherwise demonstrate competency in a language other than English. If the student demonstrates competency in another language, the student may replace the language requirement with two credits in other academic courses; and~~
6. ~~Three credits in electives.~~

(2) Beginning with the 2004-2005 ~~2003-2004~~ school year, each district school board shall provide each student in grades 6 through 9 ~~and~~ and their parents with information concerning the 3-year and 4-year high school graduation options listed in subsection (1), including the respective curriculum requirements for those options, so that ~~with curriculum for the students and their parents may to select the program~~ ~~postsecondary education or career plan~~ that best fits their needs. The information ~~must options shall~~ include a timeframe for achieving each graduation option. Any student who selected an accelerated graduation program before July 1, 2004, may continue that program, and all statutory program requirements that were applicable when the student made the program choice shall remain applicable to the student as long as the student continues that program.

(3) Selection of one of the graduation options listed in subsection (1) must be completed prior to the end of a student's 9th-grade year and is exclusively up to the student and parent, subject to the receipt of each consent required from school personnel. Each district school board shall establish policies for extending this deadline to the end of a student's first semester of 10th grade for a student who entered a Florida public school after the 9th grade upon transfer from a private school or another state or who was prevented from choosing a graduation option due to illness during the 9th grade. If the student and parent fail to select a graduation option, the student shall be considered to have selected the general requirements for high school graduation pursuant to paragraph (1)(a).

(4) District school boards ~~may shall~~ not establish requirements for the accelerated 3-year high school graduation option ~~options~~ in excess of the requirements in ~~paragraph paragraphs~~ (1)(b) ~~and (c)~~.

(5) Students pursuing the accelerated 3-year high school graduation option ~~options~~ pursuant to paragraph (1)(b) ~~or paragraph (1)(c)~~ are required to:

(a) Earn passing scores on the FCAT as defined in s. 1008.22(3)(c).

(b)1. Achieve a cumulative grade point average of 3.5 ~~2.0~~ on a 4.0 scale, or its equivalent, in the courses required for the ~~by the chosen~~ accelerated 3-year standard college preparatory program under high school graduation option pursuant to paragraph (1)(b); ~~and or paragraph (1)(c)~~.

2. Receive a grade no lower than a "B" or its equivalent, representing at least 3.0 points on a 4.0 scale, in any course taken in connection with the accelerated 3-year standard college preparatory program under paragraph (1)(b). If any student participating in the accelerated 3-year standard college preparatory program does not meet this requirement, the

student shall be required to complete the general requirements for high school graduation pursuant to s. 1003.43.

(c) Achieve at least an FCAT reading achievement level of 3, an FCAT mathematics achievement level of 3, and an FCAT writing score of 3 on the most recent assessments taken by the student prior to selecting a program described in paragraph (1)(b).

(6) A student who selects the accelerated 3-year standard college preparatory graduation program may change at any time to the 4-year program set forth in s. 1003.43.

(7) If, at the end of the 10th grade, a student is not on track to meet the course, testing, grade, or grade-point-average requirements of the accelerated graduation option, the student shall default to the standard 4-year graduation option.

(8)(6) A student who meets all requirements prescribed in subsections (1) and (5) shall be awarded a standard diploma in a form prescribed by the State Board of Education.

(9) A student who seeks academic graduation honors such as being named valedictorian or salutatorian of a high school graduating class must select the option set forth in paragraph (1)(a) and complete the general requirements for high school graduation pursuant to s. 1003.43.

Section 9. Section 1004.451, Florida Statutes, is created to read:

1004.451 Center for the Performing Arts direct-support organization.—

(1) Florida State University shall create a direct-support organization for the Florida State University Center for the Performing Arts for the purposes described in this section. The board of directors of the direct-support organization shall consist of eleven members. The core members of the board of directors shall be the President of Florida State University, the Chair of the Board of Trustees for Florida State University, the Dean of Florida State University School of Theater, the Dean of Florida State University School of Visual Arts and Dance, the Director of Florida State University Conservatory for Actor Training in Sarasota, and two members nominated by Asolo Theater, Inc., and approved by the President of Florida State University. The seven core members of the board shall appoint two additional members to serve on the board of directors with the approval of the President of Florida State University. The President of Florida State University shall appoint two members from the Sarasota community, or, at the President's discretion, may appoint two members nominated by the Sarasota Ballet, Inc. Upon appointment of all members of the board of directors, the direct-support organization shall develop a charter and bylaws to govern its operation, provided that all decisions by its board of directors shall be taken by at least six-vote majorities. The charter, bylaws, and any modifications of such, shall be subject to approval by Florida State University.

(2) The direct-support organization, operating under its charter and bylaws, shall acquire from Florida State University, own and operate the Florida State University Center for the Performing Arts, and shall promote a resident professional repertory program to work in conjunction with, complement and support the Conservatory's graduate educational theater program of Florida State University in Sarasota. It shall engage in fundraising to support its activities and support the independent fundraising efforts of the Asolo and the Conservatory. The direct-support organization shall operate and maintain the building in coordination with the Florida State University Ringling Cultural Center. All agreements between the University and Asolo in force on the effective date of this statute shall remain binding on the parties.

(3) The direct support organization shall provide for an annual financial audit in accordance with s. 1004.28(5). The audit shall be addressed to the direct support organization, Florida State University, the Asolo and, if it has members serving on the Board of Directors, the Ballet, each of whom are authorized to require and receive from the direct-support organization, or from its independent auditor, any detail or supplemental data relative to the operation of such organization.

(4) An employee or member of the direct-support organization may not receive, nor any member of their immediate family receive, a commission, fee, or financial benefit in connection with services or goods associated with the direct-support organization and may not be a business

associate of any individual, firm, or organization involved in the sale or exchange of goods or services within the direct-support organization.

(5) In all other respects, the direct-support organization shall act as a direct-support organization authorized and governed by the provisions of s. 1004.28.

(6) Florida State University shall transfer the Center for the Performing Arts to the direct-support organization when Florida State University has approved the charter and bylaws of the direct-support organization.

Section 10. Subsection (1) of section 1013.735, Florida Statutes, is amended to read:

1013.735 Classrooms for Kids Program.—

(1) ALLOCATION.—The department shall allocate funds appropriated for the Classrooms for Kids Program. It is the intent of the Legislature that this program be administered as nearly as practicable in the same manner as the capital outlay program authorized under s. 9(a), Art. XII of the State Constitution. Each district school board's share of the annual appropriation for the Classrooms for Kids Program must be calculated according to the following formula:

(a) Twenty-five percent of the appropriation shall be prorated to the districts based on each district's percentage of K-12 base capital outlay full-time equivalent membership, and 65 percent shall be based on each district's percentage of K-12 growth capital outlay full-time equivalent membership as specified for the allocation of funds from the Public Education Capital Outlay and Debt Service Trust Fund by s. 1013.64(3).

(b) Ten percent of the appropriation must be allocated among district school boards according to the allocation formula in s. 1013.64(1)(a), excluding adult vocational technical facilities.

Section 11. Effective July 1, 2004, subsection (7) is added to section 121.35, Florida Statutes, to read:

121.35 Optional retirement program for the State University System.—

(7) MAINTENANCE AND ADMINISTRATION OF PROGRAM.—Effective July 1, 2004, a state university, as defined in s. 1000.21, may irrevocably assume responsibility for the independent maintenance and administration of the optional retirement program described in this section with respect to all former, present, and future eligible employees of such university and their beneficiaries. If eight state universities assume that responsibility in accordance with this subsection, each of the remaining state universities must, within 1 year, also assume that responsibility. When a state university implements the independent optional retirement program, the provisions of this section shall apply, except to the extent that such provisions are superseded by the following:

(a) All employer and employee contributions under the program shall be made either directly by the state university or by its program administrator to the designated provider companies that are contracting pursuant to subsection (1) for the accumulation and payment of benefits to the program participant, provided that a program administrator may not also be a designated provider company or affiliate thereof and shall be engaged solely for the purpose of facilitating the payment of contributions to designated provider companies as selected by the participant employee upon enrollment with such provider companies or their local representatives.

(b) The state university may authorize the deposit into a participant's account or accounts contributions in the form of rollovers or direct trustee-to-trustee transfers by or on behalf of participants who are reasonably determined by the state university to be eligible for rollover or transfer to its optional retirement program pursuant to the Internal Revenue Code and any applicable requirements of the state university. Accounting for such contributions by the designated provider companies shall be in accordance with the applicable requirements of the Internal Revenue Code and the state university.

(c) The state university may deduct from its employer contribution on behalf of each program participant an amount approved by the state university's board of trustees to provide for the administration of its optional retirement program.

(d) *Benefits shall be paid by the provider company or companies in accordance with law, the provisions of the contract, and any applicable state university rule or policy.*

(e) *All aspects of the administration of the program as set forth in subsection (6), including the selection of provider companies, investment products, and contracts offered through the optional retirement program, written program description, and an annual accounting of contributions made by and on behalf of each participant, shall be the sole responsibility of the state university.*

(f) *For purposes of administering the Florida Retirement System, the state university shall continue to report required information to the division on a monthly basis.*

(g) *This section does not terminate or otherwise modify contracts entered into prior to July 1, 2004, between the current designated provider companies and the Division of Retirement or the Department of Management Services. Any rights under such contracts which are exercisable by the division or department shall be exercisable by each university assuming responsibility for its own optional retirement program pursuant to this section as the successor governmental entity with respect to such contracts.*

Section 12. Effective July 1, 2004, subsection (7) is added to section 121.122, Florida Statutes, to read:

121.122 Renewed membership in system.—Except as provided in s. 121.053, effective July 1, 1991, any retiree of a state-administered retirement system who is employed in a regularly established position with a covered employer shall be enrolled as a compulsory member of the Regular Class of the Florida Retirement System or, effective July 1, 1997, any retiree of a state-administered retirement system who is employed in a position included in the Senior Management Service Class shall be enrolled as a compulsory member of the Senior Management Service Class of the Florida Retirement System as provided in s. 121.055, and shall be entitled to receive an additional retirement benefit, subject to the following conditions:

(7) *Effective July 1, 2004, any retiree of a state-administered retirement system who is employed in a regularly established position is eligible to participate in an optional retirement program as established in s. 121.35 or s. 121.051(2)(c), subject to the provisions of those sections.*

Section 13. Effective July 1, 2004, subsection (19) of section 1001.74, Florida Statutes, is amended to read:

1001.74 Powers and duties of university boards of trustees.—

(19)(a) Each board of trustees shall establish the personnel program for all employees of the university, including the president, pursuant to the provisions of chapter 1012 and, in accordance with rules and guidelines of the State Board of Education, including: compensation and other conditions of employment, recruitment and selection, nonreappointment, standards for performance and conduct, evaluation, benefits and hours of work, leave policies, recognition and awards, inventions and works, travel, learning opportunities, exchange programs, academic freedom and responsibility, promotion, assignment, demotion, transfer, tenure and permanent status, ethical obligations and conflicts of interest, restrictive covenants, disciplinary actions, complaints, appeals and grievance procedures, and separation and termination from employment. The Department of Management Services shall retain authority over state university employees for programs established in ss. 110.123, 110.161, 110.1232, 110.1234, and 110.1238 and in chapters 121, 122, and 238, except as otherwise provided in paragraph (b).

(b) *Boards of trustees administering optional retirement programs pursuant to s. 121.35(7) may enter into consortia with other boards of trustees for this purpose.*

Section 14. *Sections 14-17 of this act may be cited as the "Healthy Achievers Act."*

Section 15. (1) *The Department of Education shall conduct a study to determine the status of physical education instruction in the public schools and shall develop detailed recommendations for changes to physical education programs. As a part of the study, the Department of Education shall:*

(a) *Determine the number of public schools in the state which have eliminated or reduced physical education instruction;*

(b) *Assess current issues concerning personnel who teach physical education and determine appropriate roles for all personnel in expanding both physical education and other physical activity for students;*

(c) *Determine the average length and frequency of physical education classes in elementary, middle, and high school, respectively, by school district;*

(d) *Determine the percent of physical education classes taught by certified physical education instructors;*

(e) *Assess the degree to which individual schools within a school district are allowed to add to or modify district requirements for physical education;*

(f) *Assess the availability of fitness assessment programs, such as the President's Challenge Physical Fitness Program, which could be adopted by schools or an entire school district in order to provide information regarding and encourage student fitness;*

(g) *Determine the methods of providing feedback to a parent through a student assessment report that would summarize a student's results and the school's results as set forth in an assessment tool, such as the Fitnessgram or the School Health Index of the Centers for Disease Control and Prevention; and*

(h) *Develop recommendations for the most efficient ways to substantially increase the level of physical education and physical activity for students in grades prekindergarten through grade 5, grades 6 through 8, and grades 9 through 12, by group.*

The study results must also contain an assessment developed by the Department of Education of the fiscal impact of any recommended changes. The Department of Education shall submit a report on the study to the Governor and the Legislature by February 1, 2005.

(2) *The Department of Education shall select or develop by March 1, 2005, a physical fitness assessment instrument that school districts may use in assessing and reporting individual student fitness and a standard report form for this information which may be provided to parents.*

(3) *By December 1, 2004, the Department of Education shall develop support materials and distribute the materials to each school district to enable implementation of fitness assessment programs recommended pursuant to subsection (2). The support materials must include the necessary instructions, procedures, and forms to implement and successfully administer the programs or reports. The department may develop and distribute other support or informational materials it determines may assist schools or school districts in improving student health and fitness through local action.*

(4) *This section shall take effect July 1, 2004.*

Section 16. Effective July 1, 2004, section 1003.455, Florida Statutes, is created to read:

1003.455 *Physical education; assessment.—*

(1) *It is the responsibility of each district school board to develop a physical education program that stresses physical fitness and encourages healthy, active lifestyles and to encourage all students in prekindergarten through grade 12 to participate in physical education. Physical education shall consist of physical activities of at least a moderate intensity level and for a duration sufficient to provide a significant health benefit to students, subject to the differing capabilities of students.*

(2) *Each district school board shall, no later than December 1, 2004, adopt a written physical education policy that details the school district's physical education program and expected program outcomes. Each district school board shall provide a copy of its written policy to the Department of Education by December 15, 2004.*

(3) *Any district that does not adopt a physical education policy by December 1, 2004, shall, at a minimum, implement a mandatory physical education program for kindergarten through grade 5 which provides students with 30 minutes of physical education each day, 3 days a week.*

Section 17. Effective July 1, 2004, paragraph (d) is added to subsection (4) of section 1012.98, Florida Statutes, to read:

1012.98 School Community Professional Development Act.—

(4) The Department of Education, school districts, schools, community colleges, and state universities share the responsibilities described in this section. These responsibilities include the following:

(d) *The Department of Education shall approve a public state university having an approved physical education teacher preparation program within its college of education to develop and implement an Internet-based clearinghouse for physical education professional development programs that may be accessed and used by all instructional personnel. The development of these programs shall be financed primarily by private funds and shall be available for use no later than August 1, 2005.*

Section 18. Effective July 1, 2004, paragraphs (d), (o), and (q) of subsection (3) of section 1000.21, Florida Statutes, are amended to read:

1000.21 Systemwide definitions.—As used in the Florida K-20 Education Code:

(3) “Community college,” except as otherwise specifically provided, includes the following institutions and any branch campuses, centers, or other affiliates of the institution:

- (d) Chipola ~~Junior~~ College.
- (o) ~~Miami Dade~~ ~~Miami Dade Community~~ College.
- (q) Okaloosa-Walton ~~Community~~ College.

Section 19. Effective July 1, 2004, subsections (1), (2), and (8) of section 1001.64, Florida Statutes, are amended to read:

1001.64 Community college boards of trustees; powers and duties.—

(1) The boards of trustees shall be responsible for cost-effective policy decisions appropriate to the community college’s mission, the implementation and maintenance of high-quality education programs within law and rules of the State Board of Education, the measurement of performance, the reporting of information, and the provision of input regarding state policy, budgeting, and education standards. *Community colleges may grant baccalaureate degrees pursuant to s. 1007.33 and shall remain under the authority of the State Board of Education for planning, coordination, oversight, budget, and accountability responsibilities.*

(2) Each board of trustees is vested with the responsibility to govern its respective community college and with such necessary authority as is needed for the proper operation and improvement thereof in accordance with rules of the State Board of Education. *This authority includes serving as the governing board for purposes of granting baccalaureate degrees as authorized pursuant to s. 1007.33 and approved by the State Board of Education.*

(8) Each board of trustees has authority for policies related to students, enrollment of students, student records, student activities, financial assistance, and other student services.

(a) Each board of trustees shall govern admission of students pursuant to s. 1007.263 and rules of the State Board of Education. A board of trustees may establish additional admissions criteria, which shall be included in the district interinstitutional articulation agreement developed according to s. 1007.235, to ensure student readiness for postsecondary instruction. Each board of trustees may consider the past actions of any person applying for admission or enrollment and may deny admission or enrollment to an applicant because of misconduct if determined to be in the best interest of the community college.

(b) Each board of trustees shall adopt rules establishing student performance standards for the award of degrees and certificates pursuant to s. 1004.68. *The board of trustees of a community college authorized to grant a baccalaureate degree pursuant to s. 1007.33 may continue to award degrees, diplomas, and certificates as authorized for the college, and in the name of the college, until the college receives any necessary changes to its accreditation.*

(c) *Each board of trustees shall establish tuition and out-of-state fees for approved baccalaureate degree programs, consistent with law and proviso in the General Appropriations Act. However, each board of trustees shall not increase tuition and out-of-state fees as authorized in s. 1009.23(4).*

(d)(e) Boards of trustees are authorized to establish intrastitutional and interinstitutional programs to maximize articulation pursuant to s. 1007.22.

(e)(f) Boards of trustees shall identify their core curricula, which shall include courses required by the State Board of Education, pursuant to the provisions of s. 1007.25(6).

(f)(e) Each board of trustees must adopt a written antihazing policy, provide a program for the enforcement of such rules, and adopt appropriate penalties for violations of such rules pursuant to the provisions of s. 1006.63(1)-(3).

(g)(f) Each board of trustees may establish a uniform code of conduct and appropriate penalties for violation of its rules by students and student organizations, including rules governing student academic honesty. Such penalties, unless otherwise provided by law, may include fines, the withholding of diplomas or transcripts pending compliance with rules or payment of fines, and the imposition of probation, suspension, or dismissal.

(h)(g) Each board of trustees pursuant to s. 1006.53 shall adopt a policy in accordance with rules of the State Board of Education that reasonably accommodates the religious observance, practice, and belief of individual students in regard to admissions, class attendance, and the scheduling of examinations and work assignments.

(i) *Each board of trustees shall adopt a policy ensuring that faculty who teach upper-division courses that are a component part of a baccalaureate program must adhere to the requirements of s. 1012.82.*

Section 20. Effective July 1, 2004, subsections (7) and (9) of section 1004.65, Florida Statutes, are amended to read:

1004.65 Community colleges; definition, mission, and responsibilities.—

(7) A separate and secondary role for community colleges includes:

(a) Providing upper level instruction and awarding baccalaureate degrees as specifically authorized by law. *Community colleges that are approved to offer baccalaureate degree programs shall maintain the primary mission pursuant to subsection (6) and may not terminate associate in arts or associate in science degree programs as a result of the authorization to offer baccalaureate degree programs.*

(b) The offering of programs in:

1. Community services that are not directly related to academic or occupational advancement.
2. Adult general education.
3. Recreational and leisure services.

(9) Community colleges are authorized to offer such programs and courses as are necessary to fulfill their mission and are authorized to grant associate in arts degrees, associate in science degrees, associate in applied science degrees, certificates, awards, and diplomas. Each community college is also authorized to make provisions for the General Educational Development test. Each community college may provide access to *and award* baccalaureate degrees in accordance with law.

Section 21. Effective July 1, 2004, section 1007.33, Florida Statutes, is amended to read:

1007.33 Site-determined baccalaureate degree access.—

(1) The Legislature recognizes that public and private postsecondary educational institutions play essential roles in improving the quality of life and economic well-being of the state and its residents. The Legislature also recognizes that economic development needs and the educational needs of place-bound, nontraditional students have increased the demand for local access to baccalaureate degree programs. In some, but

not all, geographic regions, baccalaureate degree programs are being delivered successfully at the local community college through agreements between the community college and 4-year postsecondary institutions within or outside of the state. It is therefore the intent of the Legislature to further expand access to baccalaureate degree programs through the use of community colleges to provide programs that meet critical workforce needs.

(2) A community college may enter into a formal agreement pursuant to the provisions of s. 1007.22 for the delivery of specified baccalaureate degree programs.

(3) A community college may develop a proposal to deliver specified baccalaureate degree programs in its district to meet local workforce needs; expand access to postsecondary education particularly to diverse, nontraditional, and geographically bound students; enhance articulation particularly in program areas where articulation is limited; or provide the means of obtaining a baccalaureate degree in a manner that is most cost-efficient to the student and the state. The proposal must be submitted to the State Board of Education requesting a formal assessment by the department and for approval, in accordance with timeframes and guidelines adopted by the State Board of Education. The community college's proposal must include a statement of determination by the college that the following information:

(a) Demand for the baccalaureate degree program is identified by the workforce development board, local businesses and industry, local chambers of commerce, and potential students.

(b) Unmet need for graduates of the proposed degree program is substantiated.

(c) The community college has the facilities and academic resources to deliver the program.

(d) Innovative and alternative options have been considered, such as distance learning and university partnerships, and found less cost-effective for the student, the community, and the state.

~~The State Board of Education shall review the formal assessment and approve, deny, or require revisions to proposals, in accordance with timeframes and guidelines adopted by the State Board of Education. The State Board of Education may approve only those proposals that fully comply with the requirements of this subsection and s. 1004.03(2) and represent the most efficient and cost-effective manner to provide access to the degree. The proposal must be submitted to the Council for Education Policy Research and Improvement for review and comment.~~

(4) Upon approval of the State Board of Education for the specific degree program or programs, the community college shall pursue regional accreditation by the Commission on Colleges of the Southern Association of Colleges and Schools. Any additional baccalaureate degree programs the community college wishes to offer must be approved by the State Board of Education pursuant to the process outlined in this section. Approved programs shall be implemented in accordance with joint letters of agreement between the State Board of Education and colleges approved by the State Board pursuant to this section.

(5) The State Board of Education shall adopt by rule policies that address the baccalaureate degree programs at community colleges approved pursuant to this section, including reporting policies and performance accountability requirements for both upper-division and lower-division programs.

(6)(4) A community college may not terminate its associate in arts or associate in science degree programs as a result of the authorization provided in subsection (3). The Legislature intends that the primary mission of a community college, including a community college that offers baccalaureate degree programs, continues to be the provision of associate degrees that provide access to a university.

(7) A community college may not offer graduate programs.

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

Section 22. Effective July 1, 2004, subsections (1), (2), (3), and (11) of section 1009.23, Florida Statutes, are amended to read:

1009.23 Community college student fees.—

(1) Unless otherwise provided, the provisions of this section apply only to fees charged for college credit instruction leading to an associate in arts degree, an associate in applied science degree, ~~or an associate in science degree, or a baccalaureate degree authorized by the State Board of Education pursuant to s. 1007.33,~~ and for noncollege credit college-preparatory courses defined in s. 1004.02.

(2)(a) All students shall be charged fees except students who are exempt from fees or students whose fees are waived.

(b) Tuition and out-of-state fees for upper-division courses must reflect the fact that the college has a less expensive cost structure than that of a state university. Therefore, the board of trustees shall establish tuition and out-of-state fees for upper-division courses consistent with law and proviso in the General Appropriations Act. However, the board of trustees shall not increase tuition and out-of-state fees as authorized in subsection (4).

(3) The State Board of Education shall adopt by December 31 of each year a resident fee schedule for the following fall for advanced and professional, associate in science degree, baccalaureate degree programs authorized by the State Board of Education pursuant to s. 1007.33, and college-preparatory programs that produce revenues in the amount of 25 percent of the full prior year's cost of these programs. Fees for courses in college-preparatory programs and associate in arts and associate in science degree programs may be established at the same level. In the absence of a provision to the contrary in an appropriations act, the fee schedule shall take effect and the colleges shall expend the funds on instruction. If the Legislature provides for an alternative fee schedule in an appropriations act, the fee schedule shall take effect the subsequent fall semester.

(11)(a) Each community college board of trustees may establish a separate fee for capital improvements, technology enhancements, or equipping student buildings which may not exceed 10 percent of tuition for resident students or 10 percent of the sum of tuition and out-of-state fees for nonresident students. The fee for resident students shall be limited to an increase of \$2 per credit hour over the prior year. ~~\$1 per credit hour or credit hour equivalent for residents and which equals or exceeds \$3 per credit hour for nonresidents.~~ Funds collected by community colleges through these fees may be bonded only as provided in this subsection, for the purpose of financing or refinancing new construction and equipment, renovation, or remodeling of educational facilities. The fee shall be collected as a component part of the tuition and fees, paid into a separate account, and expended only to construct and equip, maintain, improve, or enhance the educational facilities of the community college. Projects funded through the use of the capital improvement fee shall meet the survey and construction requirements of chapter 1013. Pursuant to s. 216.0158, each community college shall identify each project, including maintenance projects, proposed to be funded in whole or in part by such fee.

(b) Capital improvement fee revenues may be pledged by a board of trustees as a dedicated revenue source to the repayment of debt, including lease-purchase agreements with an overall term, including renewals, extensions, and refundings, of not more than 7 years and revenue bonds, with a term not to exceed 20 annual maturities years, and not to exceed the useful life of the asset being financed, only for the financing or refinancing or new construction and equipment, renovation, or remodeling of educational facilities. ~~Community colleges may use the services of the Division of Bond Finance of the State Board of Administration to issue any Bonds authorized through the provisions of this subsection shall be. Any such bonds issued by the Division of Bond Finance upon the request of the community college board of trustees shall be in compliance with the provisions of s. 11(d), Art. VII of the State Constitution and the State Bond Act. The Division of State Bond Finance may pledge fees collected by one or more community colleges to secure such bonds. Any project included in the approved educational plant survey pursuant to chapter 1013 is approved pursuant to s. 11(d), Art. VII of the State Constitution.~~

(c) The state does hereby covenant with the holders of the bonds issued under this subsection that it will not take any action that will materially and adversely affect the rights of such holders so long as the bonds authorized by this subsection are outstanding.

(d) ~~Any validation of the bonds Bonds issued pursuant to the State Bond Act shall be validated in the manner provided by chapter 75. Only the initial series of bonds is required to be validated.~~ The complaint for such validation shall be filed in the circuit court of the county where the seat of state government is situated, the notice required to be published by s. 75.06 shall be published only in the county where the complaint is filed, and the complaint and order of the circuit court shall be served only on the state attorney of the circuit in which the action is pending.

(e) A maximum of 15 percent ~~cents per credit hour~~ may be allocated from the capital improvement fee for child care centers conducted by the community college. *The use of capital improvement fees for such purpose shall be subordinate to the payment of any bonds secured by the fees.*

Section 23. Effective July 1, 2004, section 1011.83, Florida Statutes, is amended to read:

1011.83 Financial support of community colleges.—

(1) 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. *Community colleges shall fund the nonrecurring costs related to the initiation of a new baccalaureate degree program pursuant to s. 1007.33 without new state appropriations, unless special grant funds are designated by the State Board of Education, subject to funding by the Legislature for this purpose. However, a new baccalaureate program may not accept students without a recurring legislative appropriation for this purpose. Recurring operational funding for a community college authorized to grant baccalaureate degrees pursuant to s. 1007.33 shall be funded as follows:*

(a) *As a community college for its workforce development education programs and for its lower-division level college credit courses and programs funded in the community college program fund pursuant to this section.*

(b) *As a baccalaureate-degree-level institution for its upper-division level courses and programs. State support for these programs should not exceed 85 percent of the amount of state support per full-time equivalent student in a comparable state university program. Funds appropriated for this purpose may be used only for the baccalaureate degree programs.*

(2) *Community colleges that grant baccalaureate degrees shall maintain reporting and funding distinctions between any baccalaureate degree program approved pursuant to s. 1007.33 and other baccalaureate degree programs involving traditional concurrent-use partnerships.*

Section 24. Effective July 1, 2004, subsection (2) of section 1013.60, Florida Statutes, is amended to read:

1013.60 Legislative capital outlay budget request.—

(2) The commissioner shall submit to the Governor and to the Legislature an integrated, comprehensive budget request for educational facilities construction and fixed capital outlay needs for school districts, community colleges, and universities, pursuant to the provisions of s. 1013.64 and applicable provisions of chapter 216. Each community college board of trustees and each university board of trustees shall submit to the commissioner a 3-year plan and data required in the development of the annual capital outlay budget. *Community college boards of trustees may request funding for all authorized programs, including approved baccalaureate degree programs. Enrollment in approved baccalaureate degree programs shall be computed into the survey of need for facilities.* No further disbursements shall be made from the Public Education Capital Outlay and Debt Service Trust Fund to a board of trustees that fails to timely submit the required data until such board of trustees submits the data.

Section 25. Effective July 1, 2004, paragraph (g) of subsection (5) of section 288.8175, Florida Statutes, is amended to read:

288.8175 Linkage institutes between postsecondary institutions in this state and foreign countries.—

(5) The institutes are:

(g) Florida-France Institute (New College of the University of South Florida, ~~Miami Dade~~ ~~Miami Dade Community~~ College, and Florida State University).

Section 26. Effective July 1, 2004, paragraph (a) of subsection (2) of section 1002.35, Florida Statutes, is amended to read:

1002.35 New World School of the Arts.—

(2)(a) For purposes of governance, the New World School of the Arts is assigned to ~~Miami Dade~~ ~~Miami Dade Community~~ College, the Dade County School District, and one or more universities designated by the State Board of Education. The State Board of Education shall assign to the New World School of the Arts a university partner or partners. In this selection, the State Board of Education shall consider the accreditation status of the core programs. Florida International University, in its capacity as the provider of university services to Dade County, shall be a partner to serve the New World School of the Arts, upon meeting the accreditation criteria. The respective boards shall appoint members to an executive board for administration of the school. The executive board may include community members and shall reflect proportionately the participating institutions. ~~Miami Dade~~ ~~Miami Dade Community~~ College shall serve as fiscal agent for the school.

Section 27. Effective July 1, 2004, subsection (2) of section 1004.76, Florida Statutes, is amended to read:

1004.76 Florida Martin Luther King, Jr., Institute for Nonviolence.—

(2) There is hereby created the Florida Martin Luther King, Jr., Institute for Nonviolence to be established at ~~Miami Dade~~ ~~Miami Dade Community~~ College. The institute shall have an advisory board consisting of 13 members as follows: the Attorney General, the Commissioner of Education, and 11 members to be appointed by the Governor, such members to represent the population of the state based on its ethnic, gender, and socioeconomic diversity. Of the members appointed by the Governor, one shall be a member of the Senate appointed by the Governor on the recommendation of the President of the Senate; one shall be a member of the Senate appointed by the Governor on the recommendation of the minority leader; one shall be a member of the House of Representatives appointed by the Governor on the recommendation of the Speaker of the House of Representatives; one shall be a member of the House of Representatives appointed by the Governor on the recommendation of the minority leader; and seven shall be members appointed by the Governor, no more than three of whom shall be members of the same political party. The following groups shall be represented by the seven members: the Florida Sheriffs Association; the Florida Association of Counties; the Florida League of Cities; state universities human services agencies; community relations or human relations councils; and youth. A chairperson shall be elected by the members and shall serve for a term of 3 years. Members of the board shall serve the following terms of office which shall be staggered:

(a) A member of the Legislature appointed to the board shall serve for a single term not to exceed 5 years and shall serve as a member only while he or she is a member of the Legislature.

(b) Of the seven members who are not members of the Legislature, three shall serve for terms of 4 years, two shall serve for terms of 3 years, and one shall serve for a term of 1 year. Thereafter, each member, except for a member appointed to fill an unexpired term, shall serve for a 5-year term. No member shall serve on the board for more than 10 years.

In the event of a vacancy occurring in the office of a member of the board by death, resignation, or otherwise, the Governor shall appoint a successor to serve for the balance of the unexpired term.

Section 28. Effective July 1, 2004, subsections (11) through (22) of section 1002.20, Florida Statutes, are renumbered as subsections (12) through (23), respectively, and a new subsection (11) is added to that section to read:

1002.20 K-12 student and parent rights.—Parents of public school students must receive accurate and timely information regarding their child's academic progress and must be informed of ways they can help their child to succeed in school. K-12 students and their parents are afforded numerous statutory rights including, but not limited to, the following:

(11) *STUDENTS WITH READING DEFICIENCIES.*—Each elementary school shall regularly assess the reading ability of each K-3 student. The parent of any K-3 student who exhibits a reading deficiency shall be immediately notified of the student's deficiency with a description and explanation, in terms understandable to the parent, of the exact nature of the student's difficulty in learning and lack of achievement in reading; shall be consulted in the development of a detailed academic improvement plan, as described in s. 1008.25(4)(b); and shall be informed that the student will be given intensive reading instruction until the deficiency is corrected. This subsection operates in addition to the remediation and notification provisions contained in s. 1008.25 and in no way reduces the rights of a parent or the responsibilities of a school district under that section.

Section 29. Effective July 1, 2004, subsection (5) and paragraph (b) of subsection (6) of section 1008.25, Florida Statutes, are amended, subsections (7), (8), and (9) are renumbered as subsections (8), (9), and (10), respectively, and a new subsection (7) is added to that section, to read:

1008.25 Public school student progression; remedial instruction; reporting requirements.—

(5) *READING DEFICIENCY AND PARENTAL NOTIFICATION.*—

(a) It is the ultimate goal of the Legislature that every student read at or above grade level. Any student who exhibits a substantial deficiency in reading, based upon locally determined or statewide assessments conducted in kindergarten or grade 1, grade 2, or grade 3, or through teacher observations, must be given intensive reading instruction immediately following the identification of the reading deficiency. The student's reading proficiency must be reassessed by locally determined assessments or through teacher observations at the beginning of the grade following the intensive reading instruction. The student must continue to be provided with intensive reading instruction until the reading deficiency is remedied.

(b) Beginning with the 2002-2003 school year, if the student's reading deficiency, as identified in paragraph (a), is not remedied by the end of grade 3, as demonstrated by scoring at Level 2 or higher on the statewide assessment test in reading for grade 3, the student must be retained.

(c) ~~Beginning with the 2002-2003 school year,~~ The parent of any student who exhibits a substantial deficiency in reading, as described in paragraph (a), must be notified in writing of the following:

1. That his or her child has been identified as having a substantial deficiency in reading.
2. A description of the current services that are provided to the child.
3. A description of the proposed supplemental instructional services and supports that will be provided to the child that are designed to remediate the identified area of reading deficiency.
4. That if the child's reading deficiency is not remediated by the end of grade 3, the child must be retained unless he or she is exempt from mandatory retention for good cause.
5. Strategies for parents to use in helping their child succeed in reading proficiency.
6. *That the Florida Comprehensive Assessment Test (FCAT) is not the sole determiner of promotion and that additional evaluations, portfolio reviews, and assessments are available to the child to assist parents and the school district in knowing when a child is reading at or above grade level and ready for grade promotion.*
7. *The district's specific criteria and policies for mid-year promotion. Mid-year promotion means promotion of a retained student at any time during the year of retention once the student has demonstrated ability to read at grade level.*

(6) *ELIMINATION OF SOCIAL PROMOTION.*—

(b) The district school board may only exempt students from mandatory retention, as provided in paragraph (5)(b), for good cause. Good cause exemptions shall be limited to the following:

1. Limited English proficient students who have had less than 2 years of instruction in an English for Speakers of Other Languages program.

2. Students with disabilities whose individual education plan indicates that participation in the statewide assessment program is not appropriate, consistent with the requirements of State Board of Education rule.

3. Students who demonstrate an acceptable level of performance on an alternative standardized reading assessment approved by the State Board of Education.

4. Students who demonstrate, through a student portfolio, that the student is reading on grade level as evidenced by demonstration of mastery of the Sunshine State Standards in reading equal to at least a Level 2 performance on the FCAT.

5. Students with disabilities who participate in the FCAT and who have an individual education plan or a Section 504 plan that reflects that the student has received the intensive remediation in reading, as required by paragraph (4)(b), for more than 2 years but still demonstrates a deficiency in reading and was previously retained in kindergarten, grade 1, ~~or~~ grade 2, *or grade 3.*

6. Students who have received the intensive remediation in reading as required by paragraph (4)(b) for 2 or more years but still demonstrate a deficiency in reading and who were previously retained in kindergarten, grade 1, ~~or~~ grade 2, *or grade 3* for a total of 2 years. Intensive reading instruction for students so promoted must include an altered instructional day based upon an academic improvement plan that includes specialized diagnostic information and specific reading strategies for each student. The district school board shall assist schools and teachers to implement reading strategies that research has shown to be successful in improving reading among low performing readers.

(7) *SUCCESSFUL PROGRESSION FOR RETAINED READERS.*—

(a) *Students retained under the provisions of paragraph (5)(b) must be provided intensive interventions in reading to ameliorate the student's specific reading deficiency, as identified by a valid and reliable diagnostic assessment. This intensive intervention must include effective instructional strategies, participation in the school district's summer reading camp, and appropriate teaching methodologies necessary to assist those students in becoming successful readers, able to read at or above grade level, and ready for promotion to the next grade.*

(b) *Beginning with the 2004-2005 school year, each school district shall:*

1. *Conduct a review of student academic improvement plans for all students who did not score above Level 1 on the reading portion of the FCAT and did not meet the criteria for one of the good cause exemptions in paragraph (6)(b). The review shall address additional supports and services, as described in this subsection, needed to remediate the identified areas of reading deficiency. The school district shall require a student portfolio to be completed for each such student.*
2. *Provide students who are retained under the provisions of paragraph (5)(b) with intensive instructional services and supports to remediate the identified areas of reading deficiency, including a minimum of 90 minutes of daily, uninterrupted, scientifically research-based reading instruction and other strategies prescribed by the school district, which may include, but are not limited to:*
 - a. *Small group instruction.*
 - b. *Reduced teacher-student ratios.*
 - c. *More frequent progress monitoring.*
 - d. *Tutoring or mentoring.*
 - e. *Transition classes containing 3rd and 4th grade students.*
 - f. *Extended school day, week, or year.*
 - g. *Summer reading camps.*

3. Provide written notification to the parent of any student who is retained under the provisions of paragraph (5)(b) that his or her child has not met the proficiency level required for promotion and the reasons the child is not eligible for a good cause exemption as provided in paragraph (6)(b). The notification must comply with the provisions of s. 1002.20(14) and must include a description of proposed interventions and supports that will be provided to the child to remediate the identified areas of reading deficiency.

4. Implement a policy for the mid-year promotion of any student retained under the provisions of paragraph (5)(b) who can demonstrate that he or she is a successful and independent reader, reading at or above grade level, and ready to be promoted to grade 4. Tools that school districts may use in reevaluating any student retained may include subsequent assessments, alternative assessments, and portfolio reviews, in accordance with rules of the State Board of Education. Students promoted during the school year after November 1 must demonstrate proficiency above that required to score at Level 2 on the grade 3 FCAT, as determined by the State Board of Education. The State Board of Education shall adopt standards that provide a reasonable expectation that the student's progress is sufficient to master appropriate 4th grade level reading skills.

5. Provide students who are retained under the provisions of paragraph (5)(b) with a high-performing teacher as determined by student performance data and above-satisfactory performance appraisals.

6. In addition to required reading enhancement and acceleration strategies, provide parents of students to be retained with at least one of the following instructional options:

a. Supplemental tutoring in scientifically research-based reading services in addition to the regular reading block, including tutoring before or after school.

b. A "Read at Home" plan outlined in a parental contract, including participation in "Families Building Better Readers Workshops" and regular parent-guided home reading.

c. A mentor or tutor with specialized reading training.

7. Establish a Reading Enhancement and Acceleration Development (READ) Initiative. The focus of the READ Initiative shall be to prevent the retention of grade 3 students and to offer intensive accelerated reading instruction to grade 3 students who failed to meet standards for promotion to grade 4 and to each K-3 student who is assessed as exhibiting a reading deficiency. The READ Initiative shall:

a. Be provided to all K-3 students at risk of retention as identified by the statewide assessment system used in Reading First schools. The assessment must measure phonemic awareness, phonics, fluency, vocabulary, and comprehension.

b. Be provided during regular school hours in addition to the regular reading instruction.

c. Provide a state-identified reading curriculum that has been reviewed by the Florida Center for Reading Research at Florida State University and meets, at a minimum, the following specifications:

(I) Assists students assessed as exhibiting a reading deficiency in developing the ability to read at grade level.

(II) Provides skill development in phonemic awareness, phonics, fluency, vocabulary, and comprehension.

(III) Provides scientifically based and reliable assessment.

(IV) Provides initial and ongoing analysis of each student's reading progress.

(V) Is implemented during regular school hours.

(VI) Provides a curriculum in core academic subjects to assist the student in maintaining or meeting proficiency levels for the appropriate grade in all academic subjects.

8. Establish at each school, where applicable, an intensive acceleration class for retained third graders who subsequently score at Level 1 on the reading portion of the FCAT. The focus of the intensive acceleration

class shall be to increase a child's reading level at least two grade levels in 1 school year. The intensive acceleration class shall:

a. Be provided to any student in grade 3 scoring at Level 1 on the reading portion of the FCAT and who was retained in grade 3 the prior year because of scoring at Level 1 on the reading portion of the FCAT.

b. Have reduced teacher-student ratios.

c. Provide uninterrupted reading instruction for the majority of student contact time each day and incorporate opportunities to master the grade 4 Sunshine State Standards in other core subject areas.

d. Use a reading program that is scientifically research-based and has proven results in accelerating student reading achievement within the same school year.

e. Provide intensive language and vocabulary instruction using a scientifically research-based program, including use of a speech-language therapist.

f. Include weekly progress monitoring measures to ensure that progress is being made.

g. Report to the Department of Education, in the manner described by the department, the progress of these students at the end of the first semester.

9. Report to the State Board of Education, as requested, on the specific intensive reading interventions and supports implemented at the school district level. The Commissioner of Education shall annually prescribe the required components of requested reports.

10. Provide a student who has been retained in grade 3 and has received intensive instructional services but is still not ready for grade promotion, as determined by the school district, the option of being placed in a transitional instructional setting. Such setting shall specifically be designed to produce learning gains sufficient to meet grade 4 performance standards while continuing to remediate the areas of reading deficiency.

Section 30. Section 1004.63, Florida Statutes, is created to read:

1004.63 Florida-Scripps Research Compact.—

(1) There is created the Florida-Scripps Research Compact. The purpose of the compact is to explore facilitating and maximizing Florida's postsecondary collaboration with the Scripps Research Institute, including the feasibility and planning of a physical presence constituting a fully operational State of Florida-Scripps Research Campus over a multiyear phase-in. Such plans may include, but need not be limited to, the creation of research and graduate education facilities for faculty, support staff, and students of the state universities, the state's historically black colleges and universities, the University of Miami, and any other accredited medical school in this state to collaborate with the Scripps Research Institute; the acquisition of land, facilities, and equipment; the potential for placement of a research hospital on the campus; the placement of a public-private research incubator on the campus; and any other public-private partnerships and necessary physical resources that would enhance the state's relationship with the Scripps Research Institute. By December 31, 2004, the compact shall submit a report to the Office of the Governor, the Senate, and the House of Representatives outlining the potential and feasibility of a Florida-Scripps Research Campus, including plans for governance, operation, and phased-in budget.

(2) For purposes of administration and fiscal agency, the compact shall be hosted by Florida Atlantic University and chaired by the President of Florida Atlantic University. Functions of the compact shall be overseen by a board of directors whose composition shall be determined by the Governor, in consultation with the Scripps Research Institute.

(3) A Compact Research Advisory Committee shall serve as a standing committee of the board of directors. The committee shall be comprised of all members of the Florida Research Consortium and other members as determined by the Governor. The purpose of the Compact Research Advisory Committee shall be to facilitate the report as well as the future collaboration and coordination among Florida's postsecondary institutions and the Scripps Research Institute. Such coordination shall be for purposes of communication, efficiency, priority, and nonduplication

rather than as a restriction on any Florida postsecondary institution and its relationship with the Scripps Research Institute.

Section 31. *There is appropriated from the General Revenue Fund to the State Board of Education the sum of \$250,000 in nonrecurring funds for the 2004-2005 fiscal year. These funds shall be administered by the Board of Governors of the State University System to support the activities of the Florida-Scripps Research Compact and the Compact Research Advisory Committee.*

Section 32. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1, lines 2-28, delete those lines and insert: An act relating to education; creating s. 1003.415, F.S.; providing the popular name the "Middle Grades Reform Act"; providing purpose and intent; defining the term "middle grades"; requiring a review and recommendations relating to curricula and courses; requiring implementation of new or revised reading and language arts courses; providing for implementation of a rigorous reading requirement in certain schools; requiring the Department of Education to provide technical assistance; requiring a study of the academic performance of middle grade students and schools with recommendations for an increase in performance; requiring a personalized middle school success plan for certain students; providing authority for State Board of Education rulemaking and enforcement; amending s. 1001.42, F.S.; requiring a school improvement plan to include the rigorous reading requirement if applicable; 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; amending s. 1008.25, F.S.; requiring a personalized middle school success plan to be incorporated in a student's academic improvement plan if applicable; amending s. 1012.34, F.S.; revising assessment criteria for instructional personnel; amending s. 1008.22, F.S.; delaying the date by which the Commissioner of Education must approve the use of specified standardized tests as an alternative to the grade 10 Florida Comprehensive Assessment Test (FCAT); allowing passage of the alternative tests to satisfy the assessment requirement for students graduating from high school in the 2003-2004 school year, subject to certain conditions; amending s. 1003.433, F.S.; allowing passage of alternate assessments in lieu of the grade 10 FCAT for certain transfer students subject to certain conditions beginning in the 2004-2005 school year; repealing s. 1008.301, F.S., relating to concordance studies by the State Board of Education; amending s. 1003.429, F.S.; amending requirements applicable to the selection of such an accelerated option; amending required courses for the 3-year standard college preparatory program; deleting provisions authorizing a student to select a 3-year standard career preparatory program; revising requirements for grades that must be earned to participate in the accelerated program; providing for default to the standard graduation requirements in certain circumstances; creating s. 1004.451, F.S.; providing for creation of the Florida State University Center for the Performing Arts direct-support organization; providing its organization, powers, and duties; amending s. 1013.735, F.S.; modifying the formula to be used in allocating funds from the Classrooms for Kids appropriation; amending s. 121.35, F.S.; authorizing state universities to assume certain responsibilities regarding the optional retirement program; requiring remaining state universities to assume those responsibilities if eight universities have done so; amending s. 121.122, F.S.; authorizing participation by renewed members in specified optional programs; amending s. 1001.74, F.S., to conform; 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; 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; amending s. 1000.21, F.S.; redesignating specified community colleges to conform to changes made by the act; amending s. 1001.64, F.S.; providing requirements for the board of trustees of a community college authorized to grant baccalaureate degrees; authorizing the establishment of tuition and out-of-state fees; requiring that

the board of trustees of each community college adopt a policy ensuring that faculty who teach upper-division courses that are a component part of a baccalaureate program adhere to specified classroom contact hours as set forth in law; amending s. 1004.65, F.S.; prohibiting a community college from terminating associate degree programs as a result of offering baccalaureate programs; amending s. 1007.33, F.S.; revising requirements for a proposal by a community college to deliver a baccalaureate degree program; requiring the State Board of Education to assess proposals; requiring a joint letter of agreement to implement a proposed program; requiring the State Board of Education to adopt policies and requirements concerning reporting and performance accountability for upper-division and lower-division programs; prohibiting a community college from offering graduate programs; amending s. 1009.23, F.S.; providing requirements for upper-division tuition and fees; revising provisions relating to financial matters for community colleges; amending s. 1011.83, F.S.; providing for funding a community college authorized to grant baccalaureate degrees; amending s. 1013.60, F.S.; revising requirements for the legislative capital outlay budget request submitted by the Commissioner of Education; providing for recommendations for the expenditure of funds for facilities for baccalaureate degree programs at community colleges; amending ss. 288.8175, 1002.35, and 1004.76, F.S.; conforming terminology; amending s. 1002.20, F.S.; providing certain rights to parents of students with reading deficiencies; requiring that parents receive understandable information and are consulted regarding a child's academic progress; amending s. 1008.25, F.S.; removing an obsolete date; providing notification of additional information to parents of students who exhibit a substantial reading deficiency; revising certain good cause exemptions from mandatory retention; requiring school districts to provide certain reading interventions to students who have been retained; providing school district requirements relating to remediation of student reading deficiencies, parental notification, implementation of a mid-year promotion policy, provision of instructional options for students, establishment of a Reading Enhancement and Acceleration Development (READ) Initiative, establishment of an intensive acceleration class for retained 3rd grade students, and reporting; creating s. 1004.63, F.S.; creating the Florida-Scripps Research Compact; providing an appropriation; providing effective dates.

POINT OF ORDER

Senator Bennett raised a point of order that pursuant to Rule 7.1 **Amendment 2 (241868)** was not germane to the bill.

The President referred the point of order and the amendment to Senator Lee, Chair of the Committee on Rules and Calendar.

On motion by Senator Constantine, further consideration of **CS for CS for SB 354** with pending **Amendment 2 (241868)** and pending point of order was deferred.

On motion by Senator Cowin—

CS for CS for SB 3006—A bill to be entitled An act relating to public records; creating s. 106.0706, F.S.; creating an exemption from public-records requirements for user identification and passwords held by the Department of State pursuant to s. 106.0705, F.S.; creating an exemption from public records requirements for records, reports, and files stored in the electronic filing system pursuant to s. 106.0705, F.S.; providing for expiration of the exemption; providing for future legislative review and repeal; providing findings of public necessity; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 3006** was placed on the calendar of Bills on Third Reading.

On motion by Senator Diaz de la Portilla—

CS for SB 3000—A bill to be entitled An act relating to charter schools; amending s. 1002.33, F.S.; revising authorized purposes of charter schools; providing for appeals under certain circumstances; providing for reversion of capital outlay funds to the Department of Education under certain circumstances; providing for designation as one charter school of schools in a charter school feeder pattern under certain circumstances; revising provisions relating to facility compliance with building

construction standards; clarifying Florida Building Code and Florida Fire Prevention Code compliance requirements for charter schools; clarifying jurisdiction for inspections; providing an exemption from assessment of certain fees; providing for use of educational impact fees; requiring an agreement relating to allocation and use of impact fees; requiring a charter school sponsor to provide additional services; prohibiting certain fees or surcharges for certain services; revising provisions relating to contracts for goods and services; requiring a study of transportation issues by the department; amending s. 1002.32, F.S.; correcting the name of a charter lab school; revising provisions relating to the allocation of lab school funds from the Florida Education Finance Program; providing for severability; providing an effective date.

—was read the second time by title.

Senator Diaz de la Portilla moved the following amendment:

Amendment 1 (712200)—On page 8, line 10, after the period (.) insert: *The application for use of educational impact fees shall include an approved charter school application. To assist the school district in forecasting student station needs, the entity levying the impact fees shall notify the affected district of any agreements it has approved for the purpose of mitigating student station impact from the new residential dwelling units.*

Senator Wasserman Schultz moved the following amendment to **Amendment 1** which failed:

Amendment 1A (774376)—On page 1, line 22, after the period (.) insert: *However, if the charter application is approved on appeal, the school is ineligible to receive impact fees.*

The question recurred on **Amendment 1** which was adopted.

Senator Cowin moved the following amendments which failed:

Amendment 2 (032420)—On page 9, line 16, after the period (.) insert: *Nothing in this paragraph shall be construed to require sponsors or charter schools to enter into contracts for goods or services beyond those specifically identified in this paragraph.*

Amendment 3 (824168)(with title amendment)—On page 7, line 14 through page 8, line 10, delete those lines.

And the title is amended as follows:

On page 1, lines 17 and 18, delete those lines and insert: assessment of certain fees; requiring an

Pursuant to Rule 4.19, **CS for SB 3000** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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

CS for SB 1578—A bill to be entitled An act relating to the prescription of medications to minors; 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 that a school district may not require a student to obtain a prescription for any specified controlled substance as a prerequisite to the student's attending school or receiving other services of the school district; providing for rulemaking by the Department of Education; providing an effective date.

—which was previously considered and amended this day. Pending **Amendment 1B (164372)** by Senator Cowin was withdrawn. Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **CS for SB 1578** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

By direction of the President, the rules were waived and the Senate reverted to—

BILLS ON THIRD READING

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; requiring the credential and course to provide training and resources containing strategies that maximize the program's benefits for students with disabilities and other special needs; 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 pro-

grams; 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 regional child development boards to obtain certain health information before enrolling a child in the school readiness program; 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; directing the Agency for Workforce Innovation to adopt procedures for the merger of boards; 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; authorizing the boards to designate certified public accountants as fiscal agents; 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; creating s. 402.265, F.S.; prohibiting certain transfers without specific legislative authority; amending ss. 402.3016, 411.011, 411.226, 411.227, 624.91, 1001.23, 1002.22, and 1003.54, 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 prekindergarten education program and the school readiness uniform screening; providing appropriations; providing for the allocation of appropriations among certain school districts; providing effective dates.

—as amended April 21 was read the third time by title.

Amendments were considered and adopted to conform **CS for CS for SB 3036** to **HB 821**.

Pending further consideration of **CS for CS for SB 3036** as amended, on motion by Senator Carlton, by two-thirds vote **HB 821** was withdrawn from the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

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

HB 821—A bill to be entitled An act relating to early childhood education; creating pt. V of ch. 1002, F.S., entitled "Voluntary Prekindergarten Education Program"; providing definitions; creating the Voluntary Prekindergarten Education Program (VPK Program) within the Department of Education to implement s. 1(b) and (c), Art. IX of the State Constitution; providing student eligibility and enrollment requirements; providing scholarship options and for issuance of scholarships; providing eligibility requirements for prekindergarten schools to participate in the VPK Program; providing educational requirements for prekindergarten directors of prekindergarten schools; providing requirements for a prekindergarten school teacher preparation and continuing education course; requiring adoption of VPK Program student performance standards; providing curriculum requirements and accountability standards; requiring adoption of a statewide kindergarten screening, and implementation of a screening instrument, to assess kindergarten readiness; providing funding, payment, and attendance requirements for prekindergarten schools; providing for administration of the VPK Program; providing department powers and duties; providing for an evaluation and adoption of curriculum standards for child development associate credentials; providing for interinstitutional articulation agreements; creating the Early Learning Advisory Council within the Agency for Workforce Innovation to provide advice on early childhood education policy and administration of the VPK Program and early learning programs; providing council requirements; providing State Board of Education rulemaking authority; amending and renumbering s. 402.3017, F.S.; authorizing the department to contract for administration of scholarship initiatives for early childhood education personnel and for a program to encourage parental involvement; amending s. 411.01, F.S.; conforming provisions to the transfer of the powers and duties of the Florida Partnership for School Readiness to the Agency for Workforce Innovation and the abolishment of the partnership; redesignating school readiness programs as early learning programs and school readiness coalitions as early learning councils; providing duties of the Agency for Workforce Innovation with respect to administration of early learning programs at the statewide level, adoption of standards and outcome measures for early learning programs, and approval, coordination, and evaluation of early learning councils; providing for the organization of early learning councils and membership thereof; providing for administration and implementation of early learning programs by early learning councils; specifying requirements for, and elements of, early learning programs; requiring Agency for Workforce Innovation approval of early learning program plans submitted by early learning councils; specifying minimum standards and provisions for each early learning plan; providing requirements relating to the procurement of commodities or services, payment schedules, fiscal agents, and evaluation of early learning programs and reporting thereof; providing eligibility requirements for participation in early learning programs; requiring early learning programs to provide parental choice; requiring early learning programs to meet performance standards and outcome measures adopted by the Agency for Workforce Innovation; providing for allocation of funds to early learning councils by the Agency for Workforce Innovation and specifying use of such funds; amending s. 11.45, F.S.; authorizing the Auditor General to conduct audits of the early learning system; amending s. 20.50, F.S.; creating the Office of Early Childhood Education within the Agency for Workforce Innovation to administer the early learning 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 Early Childhood Education Programs Estimating Conference; requiring estimates and forecasts for early learning programs and the VPK Program; amending s. 402.3016, F.S.; conforming provisions; amending and renumbering s. 402.27, F.S.; requiring the Agency for Workforce Innovation to administer a statewide resource and referral network to provide information for, and assistance in, the operation of early learning councils and the VPK Program; including a system of local resource and referral within the network and specifying services to be provided; amending s. 402.3018, F.S.; requiring the Agency for Workforce Innovation to provide for a statewide toll-free Warm-Line; amending s. 409.178, F.S.; redesignating the Child Care Executive Partnership as the Business Partnership for Early Learning to be administered by the Agency for Workforce Innovation and providing for establishment of the Business Partnership for Early Learning Program; amending s. 402.25, F.S.; conforming provisions; amending s. 402.281, F.S.; redesignating the Gold Seal Quality Care program as the Gold Seal Quality program; specifying requirements for a Gold Seal Quality designation; amending ss. 402.3051, 402.315, and 212.08, F.S.; conforming provisions; amending s. 402.305, F.S.; revising requirements for an introductory course in child care for child care personnel; revising minimum staff credential requirements for child care personnel and provid-

ing rulemaking authority for equivalent credentials; amending ss. 383.14, 402.45, 411.011, 411.221, 411.226, 411.227, 445.023, 490.014, 491.014, 624.91, 1001.23, 1002.22, 1003.21, 1003.54, and 1006.03, F.S.; conforming provisions; requiring the Department of Education to submit to the Legislature recommendations for professional development programs for the VPK Program; repealing ss. 402.30501, 411.012, and 1008.21, F.S., relating to modification of the introductory child care course for community college credit, the voluntary universal prekindergarten education program, and the school readiness uniform screening, respectively; abolishing the Florida Partnership for School Readiness and providing for transfer of powers, duties, functions, rules, records, personnel, property, and funds to the Agency for Workforce Innovation; providing for the transfer of the TEACH Early Childhood Project and the HIPPIY program from the Agency for Workforce Innovation to the Department of Education; prohibiting certain transfers without specific legislative authority; providing that the VPK Program is a choice option for parents and providers and not part of the system of public education; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 3036** as amended and by two-thirds vote read the second time by title.

MOTION

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

Senators Alexander, Carlton, Constantine, Cowin, Lynn, Miller and Wasserman Schultz offered the following amendment which was moved by Senator Carlton and adopted:

Amendment 1 (470076)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Part V of chapter 1002, Florida Statutes, consisting of sections 1002.51, 1002.53, 1002.55, 1002.57, 1002.59, 1002.61, 1002.63, 1002.65, 1002.67, 1002.69, 1002.71, 1002.73, and 1002.75, Florida Statutes, is created to read:

PART V

VOLUNTARY PREKINDERGARTEN EDUCATION PROGRAM

1002.51 *Definitions.*—As used in this part, the term:

- (1) “Advisory council” means the Florida Child Development Advisory Council created under s. 1002.73.
- (2) “Child development provider” means a provider eligible to deliver the prekindergarten program under s. 1002.55.
- (3) “Department” means the Department of Education.
- (4) “Kindergarten eligibility” means the eligibility of a child for admission to kindergarten in a public school under s. 1003.21(1)(a)2.
- (5) “Prekindergarten director” means an onsite person ultimately responsible for the overall operation of a child development provider or, alternatively, of the provider’s prekindergarten program, regardless of whether the person is the owner of the provider.
- (6) “Regional child development board” or “board” means a regional child development board created under s. 411.01.

1002.53 *Voluntary Prekindergarten Education Program; eligibility and enrollment.*—

- (1) There is created the Voluntary Prekindergarten Education Program within the Department of Education. The program shall take effect in each county at the beginning of the 2005-2006 school year and shall be organized, designed, and delivered in accordance with s. 1(b) and (c), Art. IX of the State Constitution.
- (2) Each child who is a resident of the state who will have attained the age of 4 years on or before September 1 of the school year is eligible for the Voluntary Prekindergarten Education Program during that school year. The child remains eligible until the child attains kindergarten eligibility or is admitted to kindergarten, whichever occurs first.
- (3) The parent of each child eligible under subsection (2) may enroll the child in one of the following programs:

- (a) A prekindergarten program delivered by a child development provider under s. 1002.55;
- (b) A summer prekindergarten program delivered by a public school under s. 1002.61; or
- (c) A school-year prekindergarten program delivered by a public school under s. 1002.63.

However, a child may not be enrolled in more than one of these programs.

(4)(a) Each parent enrolling a child in the Voluntary Prekindergarten Education Program must complete and submit an application to the regional child development board through the single point of entry established under s. 411.01.

(b) The application must be submitted on forms prescribed by the department and must be accompanied by a certified copy of the child’s birth certificate. The forms must include a certification, in substantially the form provided in s. 1002.69(5)(b)2., that the parent chooses the child development provider or public school in accordance with this section and directs that payments for the program be made to the provider or school. The department may authorize alternative methods for submitting proof of the child’s age in lieu of a certified copy of the child’s birth certificate.

(c) Each regional child development board shall coordinate with each of the school districts within the board’s county or multicounty region in the development of procedures for the enrollment of children in prekindergarten programs delivered by public schools.

(5) The regional child development board shall provide each parent enrolling a child in the Voluntary Prekindergarten Education Program with a profile of every child development provider and public school delivering the program within the board’s county or multicounty region. The profiles shall be provided to parents in a format prescribed by the department. The profiles must include, at a minimum, the following information about each provider and school:

- (a) The provider’s or school’s services, curriculum, teacher credentials, and teacher-to-student ratio; and
- (b) The provider’s or school’s kindergarten readiness rate calculated in accordance with s. 1002.65(3)(c) and s. 1002.67, based upon the most recent available results of the statewide kindergarten screening.

(6)(a) A parent may enroll his or her child with any child development provider that is eligible to deliver the Voluntary Prekindergarten Education Program under this part; however, the child development provider may determine whether to admit any child. A regional child development board or the department may not limit the number of students admitted by any child development provider for enrollment in the program; however, a child development provider may not exceed its licensed capacity in accordance with ss. 402.301-402.319 as a result of admissions in the prekindergarten program.

(b) A parent may enroll his or her child with any public school within the school district which is eligible to deliver the Voluntary Prekindergarten Education Program under this part, subject to available space. Each school district may limit the number of students admitted by any public school for enrollment in the program; however, the school district must provide for the admission of every eligible child within the district whose parent enrolls the child in the summer prekindergarten program under s. 1002.61.

(c) A child development provider or public school may not discriminate against a parent or child, including the refusal to admit a child for enrollment in the Voluntary Prekindergarten Education Program, because of the parent’s or child’s race, color, or national origin.

1002.55 *Prekindergarten program delivered by child development providers.*—

- (1) Each regional child development board shall administer the Voluntary Prekindergarten Education Program at the county or regional level for students enrolled under s. 1002.53(3)(a) in a prekindergarten program delivered by a child development provider.
- (2) To be eligible to deliver the prekindergarten program, a child development provider must meet each of the following requirements:

(a) The child development provider must be one of the following types of providers:

1. A nonpublic school exempt from licensure under s. 402.3025(2) which is accredited by an accrediting association in the National Council for Private School Accreditation, the Commission on International and Trans-Regional Accreditation, or the Florida Association of Academic Nonpublic Schools or which holds a current Gold Seal Quality Care designation under s. 402.281;

2. A child care facility licensed under s. 402.305, family day care home licensed under s. 402.313, or large family child care home licensed under s. 402.3131, which facility or home holds a current Gold Seal Quality Care designation under s. 402.281 or meets or exceeds the Gold Seal Quality Care program standards, as verified by the regional child development board, but does not hold the designation; or

3. A faith-based child care provider exempt from licensure under s. 402.316 which is accredited by an accrediting association in the National Council for Private School Accreditation, the Commission on International and Trans-Regional Accreditation, or the Florida Association of Academic Nonpublic Schools or which holds a current Gold Seal Quality Care designation under s. 402.281.

(b) The child development provider must have, for each prekindergarten class, at least one teacher or child care personnel who meets each of the following requirements:

1. The teacher or child care personnel must hold, at a minimum, one of the following credentials:

a. A Child Development Associate credential issued by the National Credentialing Program of the Council for Professional Regulation; or

b. A credential approved by the Department of Children and Family Services as being equivalent to or greater than the credential described in sub-subparagraph a.

The Department of Children and Family Services may adopt rules under s. 120.536(1) and s. 120.54 which provide criteria and procedures for the approval of equivalent credentials under sub-subparagraph b.

2. The teacher or child care personnel must successfully complete an emergent literacy training course approved by the department as meeting or exceeding the minimum standards adopted under s. 1002.59. This subparagraph does not apply to a teacher or child care personnel who successfully completes approved training in early literacy and language development under s. 402.305(2)(d)4., s. 402.313(6), or s. 402.3131(5) before the establishment of the emergent literacy training course under s. 1002.59 or January 1, 2005, whichever occurs later.

(c) The child development provider must have a prekindergarten director who has a prekindergarten director credential that is approved by the department as meeting or exceeding the minimum standards adopted under s. 1002.57. Successful completion of a child care facility director credential under s. 402.305(2)(f) before the establishment of the prekindergarten director credential under s. 1002.57 or July 1, 2005, whichever occurs later, satisfies the requirement for a prekindergarten director credential under this paragraph.

(d) The child development provider must register with the regional child development board on forms prescribed by the department.

(e) The child development provider must deliver the Voluntary Prekindergarten Education Program in accordance with this part.

(3) A teacher or child care personnel, in lieu of the minimum credentials and courses required under paragraph (2)(b), may hold one of the following educational credentials:

(a) A bachelor's or higher degree in early childhood education, prekindergarten or primary education, preschool education, or family and consumer science;

(b) A bachelor's or higher degree in elementary education, if the teacher or child care personnel has been certified to teach children any age from birth through 6th grade, regardless of whether the teaching certificate is current;

(c) An associate's or higher degree in child development;

(d) An associate's or higher degree in an unrelated field, at least 6 credit hours in early childhood education or child development, and at least 480 hours experience in teaching or providing child care services for children any age from birth through 8 years of age; or

(e) An educational credential approved by the department as being equivalent to or greater than an educational credential described in this subsection. The department may adopt criteria and procedures for the approval of equivalent educational credentials under this paragraph.

1002.57 Prekindergarten director credential.—

(1) By July 1, 2005, the department, with the advice of the advisory council, shall adopt minimum standards for a credential for prekindergarten directors of child development providers delivering the Voluntary Prekindergarten Education Program. The credential must encompass requirements for education and onsite experience.

(2) The educational requirements must include training in the following:

(a) Professionally accepted standards for prekindergarten programs, child development, and strategies and techniques to address the age-appropriate progress of prekindergarten students in attaining the performance standards adopted by the department under s. 1002.65;

(b) Strategies that allow students with disabilities and other special needs to derive maximum benefit from the Voluntary Prekindergarten Education Program; and

(c) Program administration and operations, including management, organizational leadership, and financial and legal issues.

(3) The prekindergarten director credential must meet or exceed the requirements of the Department of Children and Family Services for the child care facility director credential under s. 402.305(2)(f), and successful completion of the prekindergarten director credential satisfies these requirements for the child care facility director credential.

(4) The department shall, to the maximum extent practicable, award credit to a person who successfully completes the child care facility director credential under s. 402.305(2)(f) for those requirements of the prekindergarten director credential which are duplicative of requirements for the child care facility director credential.

1002.59 Emergent literacy training course.—By January 1, 2005, the department, with the advice of the advisory council, shall adopt minimum standards for a training course in emergent literacy for teachers and child care personnel of the Voluntary Prekindergarten Education Program. The course shall comprise 5 clock hours and shall provide instruction in strategies and techniques to address the age-appropriate progress of prekindergarten students in the development of emergent literacy skills, including oral communication, knowledge of print and letters, phonemic and phonological awareness, and vocabulary and comprehension development. The course shall also provide resources containing strategies that allow students with disabilities and other special needs to derive maximum benefit from the Voluntary Prekindergarten Education Program. The course must meet or exceed the requirements of the Department of Children and Family Services for approved training in early literacy and language development under ss. 402.305(2)(d)4., 402.313(6), and 402.3131(5), and successful completion of the training course satisfies these requirements for approved training.

1002.61 Summer prekindergarten program delivered by public schools; demonstration program.—

(1) Each school district shall administer the Voluntary Prekindergarten Education Program at the district level for students enrolled under s. 1002.53(3)(b) in a summer prekindergarten program delivered by a public school.

(2) Each district school board shall determine which public schools in the school district are eligible to deliver the summer prekindergarten program. The school district shall use educational facilities available in the public schools during the summer term for the summer prekindergarten program.

(3) Each public school delivering the summer prekindergarten program must have at least one certified teacher for every 10 students in the Voluntary Prekindergarten Education Program. As used in this subsection, the term "certified teacher" means a teacher holding a valid Florida teaching certificate under s. 1012.56 who has the qualifications required by the district school board to instruct students in the summer prekindergarten program. In selecting instructional staff for the summer prekindergarten program, each school district shall give priority to teachers who have experience or coursework in early childhood education.

(4) Each public school delivering the summer prekindergarten program must also:

(a) Register with the regional child development board on forms prescribed by the department; and

(b) Deliver the Voluntary Prekindergarten Education Program in accordance with this part.

(5)(a) There is created a summer prekindergarten demonstration program that shall be implemented during summer 2004 in the Baker, Duval, Hillsborough, Martin, Miami-Dade, Osceola, Palm Beach, Pasco, Santa Rosa, and Wakulla school districts. The demonstration program shall implement the summer prekindergarten program delivered by public schools within the demonstration districts.

(b) The Office of Program Policy Analysis and Government Accountability shall develop a research design for the demonstration program which ensures that students in the demonstration program are demographically representative of students statewide and that the sample size is sufficient to generate statistically valid conclusions. The sample must be selected to ensure that the results obtained from the demonstration program are applicable statewide with statistical confidence.

(c) Each demonstration district and demonstration school shall implement the demonstration program in accordance with the research design developed under paragraph (b) and, to the maximum extent practicable, in accordance with this part.

(d) Each demonstration district shall submit to the Office of Program Policy Analysis and Government Accountability the results of the statewide kindergarten screening administered under s. 1002.67 for students who completed the summer prekindergarten demonstration program.

(e) By January 15, 2005, the Office of Program Policy Analysis and Government Accountability shall conduct an evaluation of the demonstration program in consultation with the Legislature. Each demonstration district shall submit data about the demonstration program as requested by the Office of Program Policy Analysis and Government Accountability for purposes of the evaluation.

(f) This subsection expires July 1, 2005.

1002.63 School-year prekindergarten program delivered by public schools.—

(1) Each school district eligible under subsection (3) may administer the Voluntary Prekindergarten Education Program at the district level for students enrolled under s. 1002.53(3)(c) in a school-year prekindergarten program delivered by a public school.

(2) The district school board of each school district eligible under subsection (3) shall determine which public schools in the district are eligible to deliver the prekindergarten program during the school year.

(3) To be eligible to deliver the prekindergarten program during the school year, each school district must meet both of the following requirements:

(a) The district school board must certify to the State Board of Education:

1. That the school district has reduced the average class size in each classroom in accordance with s. 1003.03 and the schedule in s. 1(a), Art. IX of the State Constitution; and

2. That the school district has sufficient satisfactory educational facilities and capital outlay funds to continue reducing the average class size in each classroom in an elementary school for each year in accordance with the class-size reduction schedule and to achieve full compliance

with the maximum class sizes in s. 1(a), Art. IX of the State Constitution by the beginning of the 2010-2011 school year.

(b) The Commissioner of Education must certify to the State Board of Education that the department has reviewed the school district's educational facilities, capital outlay funds, and projected student enrollment and concurs with the district school board's certification under paragraph (a).

(4) Each public school delivering the school-year prekindergarten program must:

(a) Register with the regional child development board on forms prescribed by the department; and

(b) Deliver the Voluntary Prekindergarten Education Program in accordance with this part.

1002.65 Performance standards; curriculum and accountability.—

(1) By January 1, 2005, the department, with the advice of the advisory council, shall develop and adopt performance standards for students in the Voluntary Prekindergarten Education Program. The performance standards must address the age-appropriate progress of students in the development of:

(a) The capabilities, capacities, and skills required under s. 1(b), Art. IX of the State Constitution; and

(b) Emergent literacy skills, including oral communication, knowledge of print and letters, phonemic and phonological awareness, and vocabulary and comprehension development.

(2)(a) Each child development provider and public school may select or design the curriculum that the provider or school uses to implement the Voluntary Prekindergarten Education Program, except as otherwise required for a provider or school that is placed on probation under paragraph (3)(c).

(b) Each child development provider's and public school's curriculum must be developmentally appropriate and must:

1. Be based upon reading research;

2. Enhance the age-appropriate progress of students in attaining the performance standards adopted by the department under subsection (1); and

3. Prepare students to be assessed as ready for kindergarten based upon the statewide kindergarten screening administered under s. 1002.67.

(c) The department shall review and approve curricula for use by child development providers and public schools that are placed on probation under paragraph (3)(c). The department shall maintain a list of the curricula approved under this paragraph. Each approved curriculum must meet the requirements of paragraph (b).

(3)(a) Each regional child development board and school district shall verify compliance with this part of the child development providers or public schools, as applicable, delivering the Voluntary Prekindergarten Education Program within the district.

(b) A regional child development board or the department may remove a child development provider, and a school district or the department may remove a public school, from eligibility to deliver the Voluntary Prekindergarten Education Program and receive state funds for the program, if the provider or school fails or refuses to comply with this part.

(c) Beginning with the kindergarten readiness rates for students completing the Voluntary Prekindergarten Education Program during the 2005-2006 school year who are administered the statewide kindergarten screening during the 2006-2007 school year:

1. Of the students who are administered the statewide kindergarten screening under s. 1002.67, if less than 85 percent of the students from a child development provider's or public school's prekindergarten program are assessed as ready for kindergarten based upon the results of the statewide kindergarten screening, the regional child development board or school district, as applicable, shall require the provider or school to

submit an improvement plan for approval by the regional child development board or school district, as applicable, and to implement the plan.

2. If a child development provider or public school fails to meet the 85-percent kindergarten readiness rate for 2 consecutive years, the regional child development board or school district, as applicable, shall place the provider or school on probation and must require the provider or school to take certain corrective actions, including the use of a curriculum approved by the department under paragraph (2)(c).

3. A child development provider or public school that is placed on probation must continue the corrective actions required under subparagraph 2., including the use of a curriculum approved by the department, until the provider or school meets the 85-percent kindergarten readiness rate, based upon the results of the statewide kindergarten screening.

1002.67 Statewide kindergarten screening.—

(1) The department, with the advice of the advisory council, shall adopt a statewide kindergarten screening that assesses the readiness of each student for kindergarten based upon the performance standards adopted by the department under s. 1002.65(1) for the Voluntary Prekindergarten Education Program. The department shall require that each school district administer the statewide kindergarten screening to every kindergarten student in the school district within 30 school days after the student's entry into kindergarten.

(2) The statewide kindergarten screening shall provide objective data on each student's progress in attaining the performance standards adopted by the department under s. 1002.65(1).

(3) The statewide kindergarten screening shall incorporate mechanisms for recognizing potential variations in kindergarten readiness rates for students with disabilities.

(4) Each parent who enrolls his or her child in the Voluntary Prekindergarten Education Program must submit the child for the statewide kindergarten screening, regardless of whether the child is admitted to kindergarten in a public school or nonpublic school. Each school district shall designate public schools to administer the statewide kindergarten screening for children admitted to kindergarten in a nonpublic school.

(5) The department shall adopt procedures for the calculation of each child development provider's and public school's kindergarten readiness rate. The kindergarten readiness rates must be based exclusively upon the results of the statewide kindergarten screening and must not consider students who are not administered the statewide kindergarten screening.

(6)(a) During the 2004-2005 through 2006-2007 school years, the department shall continue the statewide administration of the Early Screening Inventory-Kindergarten developmental screening instrument as the statewide kindergarten screening. The department may administer additional instruments but only if the instruments are administered statewide. For purposes of s. 1002.65(3)(c), the Early Screening Inventory-Kindergarten developmental screening instrument shall be used to calculate kindergarten readiness rates.

(b) By January 15, 2006, the department, with the advice of the advisory council, shall recommend to the Legislature valid and reliable screening instruments for the statewide kindergarten screening. The Legislature shall review the recommendations of the department at the 2006 Regular Session and shall adopt screening instruments for the statewide kindergarten screening.

(c) Beginning with the 2006-2007 school year, the department shall administer the screening instruments adopted by the Legislature under paragraph (b). During the 2006-2007 school year, the department shall continue administration of the Early Screening Inventory-Kindergarten developmental screening instrument for purposes of obtaining baseline data that compares the kindergarten readiness rates of the instruments.

(d) The Legislature shall review, at the 2007 Regular Session, the baseline data obtained under paragraph (c) and the 85-percent kindergarten readiness rate in s. 1002.65(3)(c). The screening instruments adopted by the Legislature under paragraph (b) shall be used to calculate the kindergarten readiness rates for students completing the Voluntary Prekindergarten Education Program during the 2006-2007 school year who are administered the statewide kindergarten screening during the 2007-2008 school year and for subsequent school years.

1002.69 Funding; financial and attendance reporting.—

(1) There is created a categorical fund for the Voluntary Prekindergarten Education Program. Categorical funds appropriated for the program shall be in addition to funds appropriated based upon full-time equivalent student membership in the Florida Education Finance Program.

(2) A full-time equivalent student in the Voluntary Prekindergarten Education Program shall be calculated as follows:

(a) For a student in a prekindergarten program delivered by a child development provider: 540 hours.

(b) For a student in a summer prekindergarten program delivered by a public school: 300 hours.

(c) For a student in a school-year prekindergarten program delivered by a public school: 540 hours.

A student may not be reported for funding purposes as more than one full-time equivalent student.

(3)(a) The base student allocation per full-time equivalent student in the Voluntary Prekindergarten Education Program shall be provided in the General Appropriations Act and shall be equal, regardless of whether the student is enrolled in a prekindergarten program delivered by a child development provider, a summer prekindergarten program delivered by a public school, or a school-year prekindergarten program delivered by a public school.

(b) Each county's allocation per full-time equivalent student in the Voluntary Prekindergarten Education Program shall be calculated annually by multiplying the base student allocation provided in the General Appropriations Act by the county's district cost differential provided in s. 1011.62(2). Each child development provider and public school shall be paid in accordance with the county's allocation per full-time equivalent student.

(4)(a) Each regional child development board shall maintain through the single point of entry established under s. 411.01 a current database of the students enrolled in the Voluntary Prekindergarten Education Program for each county within the board's region.

(b) The department shall adopt procedures for the payment of child development providers and public schools delivering the Voluntary Prekindergarten Education Program. The procedures shall provide for the advance payment of providers and schools based upon student enrollment in the program, the certification of student attendance, and the reconciliation of advance payments based upon the certified student attendance. The procedures shall provide for the monthly distribution of funds by the department to the regional child development boards for payment by the boards to child development providers and public schools.

(5)(a) Each parent enrolling his or her child in the Voluntary Prekindergarten Education Program must agree to comply with the attendance policy of the child development provider or district school board, as applicable. Upon enrollment of the child, the child development provider or public school, as applicable, must provide the child's parent with a copy of the provider's or school district's attendance policy, as applicable.

(b)1. Each child development provider's and district school board's attendance policy must require the parent of each student in the Voluntary Prekindergarten Education Program to verify, each month, the student's attendance on the prior month's certified student attendance.

2. The parent must submit the verification of the student's attendance to the child development provider or public school on forms prescribed by the department. The forms must include, in addition to the verification of the student's attendance, a certification, in substantially the following form, that the parent continues to choose the child development provider or public school in accordance with s. 1002.53 and directs that payments for the program be made to the provider or school:

VERIFICATION OF STUDENT'S ATTENDANCE AND CERTIFICATION OF PARENTAL CHOICE

I, (Name of Parent), swear (or affirm) that my child, (Name of Student), attended the Voluntary Prekindergarten Education Program on the days listed above and certify that I continue to choose (Name of Provider or

School) to deliver the program for my child and direct that program funds be paid to the provider or school for my child.

(Signature of Parent) _____ (Date) _____

3. The child development provider or public school must submit each original signed form to the regional child development board. The regional child development board shall keep the original signed forms or reproductions of the forms, such as digital images or microfilm, in accordance with chapter 119. The department shall adopt procedures for the review of the original signed forms against the certified student attendance. The review procedures shall provide for the use of selective inspection techniques, including, but not limited to, random sampling. Each regional child development board must comply with the review procedures.

(c) A child development provider or school district, as applicable, may dismiss a student who does not comply with the provider's or district's attendance policy. A student dismissed under this paragraph is not removed from the Voluntary Prekindergarten Education Program and may continue in the program through reenrollment with another child development provider or public school. Notwithstanding s. 1002.53(6)(b), a school district is not required to provide for the admission of a student dismissed under this paragraph.

(6) A regional child development board may not withhold for administrative costs any portion of the funds distributed to the board for payment to child development providers and public schools. The department shall annually allocate administrative funds to each regional child development board from funds provided in the General Appropriations Act for that purpose. The administrative funds must only be used for administration of the Voluntary Prekindergarten Education Program. The department shall allocate the administrative funds based upon each regional child development board's student enrollment in the program. The amount of each regional child development board's administrative funds may not exceed 3 percent of the funds paid by the board to child development providers and public schools.

(7) Except as otherwise expressly authorized by law, a child development provider or public school may not:

(a) Impose or collect a fee or charge for services provided for a child enrolled in the Voluntary Prekindergarten Education Program during a period reported for funding purposes; or

(b) Require a child to enroll for, or require the payment of any fee or charge for, supplemental services as a condition of admitting a child for enrollment in the Voluntary Prekindergarten Education Program.

(8) State funds provided for the Voluntary Prekindergarten Education Program may not be used for the transportation of students to and from the program. A parent is responsible for the transportation of his or her child to and from the Voluntary Prekindergarten Education Program, regardless of whether the program is delivered by a child development provider or a public school.

1002.71 Department of Education; powers and duties.—

(1) The Department of Education, with the advice of the advisory council, shall administer the Voluntary Prekindergarten Education Program at the statewide level.

(2) The department shall adopt procedures for:

(a) Enrolling children in and determining the eligibility of children for the Voluntary Prekindergarten Education Program under s. 1002.53.

(b) Providing parents with profiles of child development providers and public schools under s. 1002.53.

(c) Registering and determining the eligibility of child development providers to deliver the program under s. 1002.55.

(d) Verifying Gold Seal Quality Care program standards under s. 1002.55.

(e) Approving prekindergarten director credentials under s. 1002.55 and s. 1002.57.

(f) Approving emergent literacy training courses under s. 1002.55 and s. 1002.59.

(g) Certifying the eligibility of school districts to deliver the school-year prekindergarten program under s. 1002.63.

(h) Verifying the compliance of child development providers and public schools, and removing providers or schools from eligibility to deliver the program for noncompliance, under s. 1002.65.

(i) Approving improvement plans of child development providers and public schools under s. 1002.65.

(j) Placing child development providers and public schools on probation and requiring corrective actions under s. 1002.65.

(k) Administering the statewide kindergarten screening and calculating kindergarten readiness rates under s. 1002.67.

(l) Distributing funds to regional child development boards under s. 1002.69.

(m) Paying child development providers and public schools under s. 1002.69.

(n) Documenting and certifying student enrollment and student attendance under s. 1002.69.

(o) Reconciling advance payments in accordance under s. 1002.69.

(p) Reenrolling students dismissed by a child development provider or public school for noncompliance with the provider's or school district's attendance policy under s. 1002.69.

(q) Allocating administrative funds among regional child development boards under s. 1002.69.

(3) Notwithstanding s. 402.265 and s. 411.01(10), the Department of Education, the Agency for Workforce Innovation, the Department of Children and Family Services, and the regional child development boards may enter into interagency agreements that provide for the integration of, and shall provide interagency access among these agencies to, databases containing records, data, or other information relating to the following:

(a) Voluntary Prekindergarten Education Program;

(b) School readiness programs; or

(c) Licensure or registration, inspection, and disciplinary actions of child care facilities, family day care homes, and large family child care homes.

These databases may comprise individual records of students, child development providers, and public schools in the Voluntary Prekindergarten Education Program and individual records of students and providers in school readiness programs. The agencies must protect the confidentiality of school readiness records in accordance with s. 411.011. These databases may also include the statewide child care resource and referral network established under s. 402.27 and each regional child development board's single point of entry established under s. 411.01.

(4) Except as otherwise provided by law, the department does not have authority to:

(a) Impose requirements on a child development provider that does not deliver the Voluntary Prekindergarten Education Program or receive state funds under this part.

(b) Impose requirements on a regional child development board which are not necessary for the administration of the Voluntary Prekindergarten Education Program under this part.

(c) Administer powers and duties assigned to the Agency for Workforce Innovation or a regional child development board under s. 411.01.

1002.73 Florida Child Development Advisory Council.—

(1) There is created the Florida Child Development Advisory Council within the Department of Education. The purpose of the advisory council is to advise the Department of Education and the Agency for Workforce Innovation on the child development policy of this state, including advice relating to administration of the Voluntary Prekindergarten Education Program under this part and the school readiness programs under s. 411.01.

(2) *The advisory council shall be composed of the following members:*

(a) *Eleven members appointed by the Governor, as follows:*

1. *The chair of the advisory council and one other member, who must both meet the same qualifications as private-sector business members appointed to a regional child development board under s. 411.01(5)(a)6.*

2. *A representative of nonpublic schools accredited by accrediting associations in either the National Council for Private School Accreditation or the Commission on International and Trans-Regional Accreditation.*

3. *A representative of nonpublic schools accredited by accrediting associations in the Florida Association of Academic Nonpublic Schools.*

4. *A representative of licensed child care facilities.*

5. *A representative of licensed or registered family day care homes.*

6. *A representative of licensed large family child care homes.*

7. *A representative of faith-based child care providers.*

8. *A representative of programs for prekindergarten children with disabilities under the federal Individuals with Disabilities Education Act.*

9. *A public school classroom teacher.*

10. *A district superintendent of schools.*

The members appointed under this paragraph must be geographically and demographically representative of the state. The members shall be appointed to terms of 3 years each, except that, to establish staggered terms, one-half of the members shall be appointed to initial terms of 2 years each. Appointed members may serve a maximum of two consecutive terms.

(b) *The director of the Florida Head Start-State Collaboration Office.*

(c) *A chair of a regional child development board who shall be selected by the chairs of the regional child development boards.*

(d) *An executive director of a regional child development board who shall be selected by the executive directors of the regional child development boards.*

(e) *The chair of the Child Care Executive Partnership.*

(f) *The chair or executive director of Workforce Florida, Inc., or his or her designee.*

(g) *The director of the Division of Community Colleges of the Department of Education.*

(h) *The Secretary of Health or his or her designee.*

(i) *The director of the Child Care Services Program Office of the Department of Children and Family Services.*

(j) *The Deputy Director for Child Development of the Agency for Workforce Innovation.*

(k) *The Commissioner of Education or his or her designee.*

(l) *Two members appointed by and who serve at the pleasure of the President of the Senate and two members appointed by and who serve at the pleasure of the Speaker of the House of Representatives, who must each meet the same qualifications as private-sector business members appointed to a regional child development board under s. 411.01(5)(a)6.*

(3) *The advisory council shall meet at least quarterly but may meet as often as necessary to carry out its duties and responsibilities.*

(4)(a) *Each member of the advisory council shall serve without compensation but is entitled to per diem and travel expenses for attendance of council meetings as provided in s. 112.061.*

(b) *Each member of the advisory council is subject to the ethics provisions in part III of chapter 112.*

(c) *For purposes of tort liability, each member of the advisory council shall be governed by s. 768.28.*

(5) *The department shall provide staff and administrative support for the advisory council.*

1002.75 *Rulemaking authority.—The State Board of Education shall adopt rules under s. 120.536(1) and s. 120.54 to administer the provisions of this part conferring duties upon the department. The state board shall adopt initial rules for the Voluntary Prekindergarten Education Program by January 1, 2005.*

Section 2. Effective July 1, 2004, section 411.01, Florida Statutes, is amended to read:

411.01 ~~Florida Partnership for School readiness programs; regional child development boards school readiness coalitions.~~—

(1) **SHORT TITLE.**—This section may be cited as the “School Readiness Act.”

(2) **LEGISLATIVE INTENT.**—

(a) The Legislature recognizes that school readiness programs increase children’s chances of achieving future educational success and becoming productive members of society. It is the intent of the Legislature that ~~the such~~ programs be developmentally appropriate, research-based, involve parents as their child’s first teacher, serve as preventive measures for children at risk of future school failure, enhance the educational readiness of eligible children, and support family education. Each school readiness program shall provide the elements necessary to prepare at-risk children for school, including health screening and referral and an appropriate educational program.

(b) It is the intent of the Legislature that school readiness programs be operated on a full-day, year-round basis to the maximum extent possible to enable parents to work and become financially self-sufficient.

(c) It is the intent of the Legislature that school readiness programs not exist as isolated programs, but build upon existing services and work in cooperation with other programs for young children, and that school readiness programs be coordinated ~~and funding integrated~~ to achieve full effectiveness.

(d) It is the intent of the Legislature that the administrative staff at the state level for school readiness programs be kept to the minimum necessary to ~~administer carry out~~ the duties of the ~~Agency for Workforce Innovation Florida Partnership for School Readiness~~, as the school readiness programs are to be ~~regionally locally~~ designed, operated, and managed, with the ~~Agency for Workforce Innovation Florida Partnership for School Readiness adopting a system for measuring school readiness~~; developing school readiness program performance standards ~~and~~; outcome ~~measures measurements, and data design and review~~; and approving and reviewing ~~regional child development boards and local~~ school readiness ~~coalitions and~~ plans.

(e) It is the intent of the Legislature that appropriations for combined school readiness programs shall not be less than the programs would receive in any fiscal year on an uncombined basis.

(f) It is the intent of the Legislature that the school readiness program coordinate and operate in conjunction with the district school systems. However, it is also the intent of the Legislature that the school readiness program not be construed as part of the system of free public schools but rather as a separate program for children under the age of kindergarten eligibility, funded separately from the system of free public schools, utilizing a mandatory sliding fee scale, and providing an integrated and seamless system of school readiness services for the state’s birth-to-kindergarten population.

(g) It is the intent of the Legislature that the federal child care income tax credit be preserved for school readiness programs.

(h) It is the intent of the Legislature that school readiness services shall be an integrated and seamless system of services with a developmentally appropriate education component for the state’s eligible birth-to-kindergarten population described in subsection (6) and shall not be construed as part of the seamless K-20 education system ~~except for the administration of the uniform screening system upon entry into kindergarten.~~

(3) ~~PARENTAL PARTICIPATION IN SCHOOL READINESS PROGRAMS PROGRAM.—~~

(a) ~~The school readiness program shall be phased in on a coalition-by-coalition basis. Each coalition's school readiness program shall have available to it funding from all the coalition's early education and child care programs that are funded with state, federal, lottery, or local funds, including but not limited to Florida First Start programs, Even Start literacy programs, prekindergarten early intervention programs, Head Start programs, programs offered by public and private providers of child care, migrant prekindergarten programs, Title I programs, subsidized child care programs, and teen parent programs, together with any additional funds appropriated or obtained for purposes of this section. These programs and their funding streams shall be components of the coalition's integrated school readiness program, with the goal of preparing children for success in school.~~

(b) ~~Nothing contained in This section does not act is intended to:~~

(a)1- ~~Relieve parents and guardians of their own obligations to prepare ready their children for school; or~~

(b)2- ~~Create any obligation to provide publicly funded school readiness programs or services beyond those authorized by the Legislature.~~

(4) ~~AGENCY FOR WORKFORCE INNOVATION FLORIDA PARTNERSHIP FOR SCHOOL READINESS.—~~

(a) ~~The Agency for Workforce Innovation shall Florida Partnership for School Readiness was created to fulfill three major purposes: to administer school readiness programs at the statewide level and shall program services that help parents prepare eligible children for school; to coordinate the regional child development boards in providing provision of school readiness services on a full-day, full-year, full-choice basis to the extent possible in order to enable parents to work and be financially self-sufficient; and to establish a uniform screening instrument to be implemented by the Department of Education and administered by the school districts upon entry into kindergarten to assess the readiness for school of all children. Readiness for kindergarten is the outcome measure of the success of each school readiness program that receives state or federal funds. The partnership is assigned to the Agency for Workforce Innovation for administrative purposes.~~

(b) ~~The Agency for Workforce Innovation Florida Partnership for School Readiness shall:~~

1. ~~Coordinate the birth-to-kindergarten services for children who are eligible under pursuant to subsection (6) and the programmatic, administrative, and fiscal standards under pursuant to this section for all public providers of school readiness programs.~~

2. ~~Continue to provide unified leadership for school readiness through regional child development boards local school readiness coalitions.~~

3. ~~Focus on improving the educational quality of all publicly funded school readiness programs.~~

(c)1- ~~The Florida Partnership for School Readiness shall include the Lieutenant Governor, the Commissioner of Education, the Secretary of Children and Family Services, and the Secretary of Health, or their designees, and the chair of the Child Care Executive Partnership Board, and the chairperson of the Board of Directors of Workforce Florida, Inc. When the Lieutenant Governor or an agency head appoints a designee, the designee must be an individual who attends consistently, and, in the event that the Lieutenant Governor or agency head and his or her designee both attend a meeting, only one of them may vote.~~

2- ~~The partnership shall also include 14 members of the public who shall be business, community, and civic leaders in the state who are not elected to public office. These members and their families must not have a direct contract with any local coalition to provide school readiness services. The members must be geographically and demographically representative of the state. Each member shall be appointed by the Governor from a list of nominees submitted by the President of the Senate and the Speaker of the House of Representatives. By July 1, 2001, four members shall be appointed as follows: two members shall be from the child care industry, one representing the private for-profit sector appointed by the Governor from a list of two nominees submitted~~

~~by the President of the Senate and one representing faith-based providers appointed by the Governor from a list of two nominees submitted by the Speaker of the House of Representatives; and two members shall be from the business community, one appointed by the Governor from a list of two nominees submitted by the President of the Senate and one appointed by the Governor from a list of two nominees submitted by the Speaker of the House of Representatives. Members shall be appointed to 4-year terms of office. The members of the partnership shall elect a chairperson annually from the nongovernmental members of the partnership. Any vacancy on the partnership shall be filled in the same manner as the original appointment.~~

(d) ~~The partnership shall meet at least quarterly but may meet as often as it deems necessary to carry out its duties and responsibilities. Members of the partnership shall participate without proxy at the quarterly meetings. The partnership may take official action by a majority vote of the members present at any meeting at which a quorum is present.~~

(e) ~~Members of the partnership are subject to the ethics provisions in part III of chapter 112, and no member may derive any financial benefit from the funds administered by the Florida Partnership for School Readiness.~~

(f) ~~Members of the partnership shall serve without compensation but are entitled to reimbursement for per diem and travel expenses incurred in the performance of their duties as provided in s. 112.061, and reimbursement for other reasonable, necessary, and actual expenses.~~

(g) ~~For the purposes of tort liability, the members of the partnership and its employees shall be governed by s. 768.28.~~

(h) ~~The partnership shall appoint an executive director who shall serve at the pleasure of the Governor. The executive director shall perform the duties assigned to him or her by the partnership. The executive director shall be responsible for hiring, subject to the approval of the partnership, all employees and staff members, who shall serve under his or her direction and control.~~

(c) (i) ~~For purposes of administration of the federal Child Care and Development Fund, 45 C.F.R. parts 98 and 99, the Agency for Workforce Innovation partnership may be designated by the Governor as the lead agency, and if so designated shall comply with the lead agency responsibilities under pursuant to federal law.~~

(d) (j) ~~The Agency for Workforce Innovation Florida Partnership for School Readiness is the principal organization responsible for the enhancement of school readiness for the state's children, and shall:~~

1. ~~Be responsible for the prudent use of all public and private funds in accordance with all legal and contractual requirements.~~

2. ~~Provide final approval and periodic review of regional child development boards coalitions and school readiness plans.~~

3. ~~Provide leadership for the enhancement of school readiness in this state by aggressively establishing a unified approach to the state's efforts toward enhancement of school readiness. In support of this effort, the Agency for Workforce Innovation partnership may develop and implement specific strategies that address the state's school readiness programs.~~

4. ~~Safeguard the effective use of federal, state, local, and private resources to achieve the highest possible level of school readiness for the state's children in this state.~~

5. ~~Provide technical assistance to regional child development boards coalitions.~~

6. ~~Assess gaps in service.~~

7. ~~Provide technical assistance to counties that form a regional child development board serving a multicounty region coalition.~~

8.a. ~~Adopt a system for measuring school readiness that provides objective data regarding the expectations for school readiness, and establish a method for collecting the data and guidelines for using the data. The measurement, the data collection, and the use of the data must serve the statewide school readiness goal. The criteria for determining~~

which data to collect should be the usefulness of the data to state policy-makers and local program administrators in administering programs and allocating state funds, and must include the tracking of school readiness system information back to individual school readiness programs to assist in determining program effectiveness.

b. Adopt a system for evaluating the performance of students through the third grade to compare the performance of those who participated in school readiness programs with the performance of students who did not participate in school readiness programs in order to identify strategies for continued successful student performance.

8.9. Develop and adopt, with the advice of the Florida Child Development Advisory Council created under s. 1002.73 and the Department of Education, performance standards and outcome measures for school readiness programs. The performance standards must address the age-appropriate progress of children in the development of the school readiness skills required under paragraph (j). The Agency for Workforce Innovation shall integrate the performance standards for school readiness programs into the performance standards adopted by the Department of Education for the Voluntary Prekindergarten Education Program under s. 1002.65.

(e)(k) The Agency for Workforce Innovation partnership may adopt rules under s. 120.536(1) and s. 120.54 necessary to administer the provisions of law conferring duties upon the agency, including, but not limited this section which relate to, rules governing the preparation preparing and implementation of implementing the system for school readiness system, the collection of collecting data, the approval of regional child development boards and approving local school readiness coalitions and plans, the provision of providing a method whereby a regional child development board may coalition can serve two or more counties, the award of awarding incentives to regional child development boards coalitions, and the issuance of issuing waivers.

(f)(h) The Agency for Workforce Innovation Florida Partnership for School Readiness shall have all powers necessary to administer carry out the purposes of this section, including, but not limited to, the power to receive and accept grants, loans, or advances of funds from any public or private agency and to receive and accept from any source contributions of money, property, labor, or any other thing of value, to be held, used, and applied for the purposes of this section.

(g) Except as otherwise provided by law, the Agency for Workforce Innovation does not have authority:

1. To impose requirements on a child care or early childhood education provider that does not deliver services under a school readiness program or receive state or federal funds under this section.

2. To administer powers and duties assigned to the Department of Education or a regional child development board under part V of chapter 1002.

(h)(m) The Agency for Workforce Innovation Florida Partnership for School Readiness shall have a budget for the school readiness system, which and shall be financed through an annual appropriation made for purposes of this section purpose in the General Appropriations Act.

(i)(n) The Agency for Workforce Innovation, with the advice of the Florida Child Development Advisory Council, partnership shall coordinate the efforts toward school readiness in this state and provide independent policy analyses and recommendations to the Governor, the State Board of Education, and the Legislature.

(j)(o) Each regional child development board's The partnership shall prepare and submit to the State Board of Education a system for measuring school readiness program. The system must, at a minimum, enhance the age-appropriate progress of each child in the development of include a uniform screening, which shall provide objective data regarding the following expectations for school readiness skills which shall include, at a minimum:

1. The child's immunizations and other health requirements as necessary, including appropriate vision and hearing screening and examinations.

2. The child's physical development.

1.3. The child's Compliance with rules, limitations, and routines.

2.4. The child's Ability to perform tasks.

3.5. The child's Interactions with adults.

4.6. The child's Interactions with peers.

5.7. The child's Ability to cope with challenges.

6.8. The child's Self-help skills.

7.9. The child's Ability to express the child's his or her needs.

8.10. The child's Verbal communication skills.

9.11. The child's Problem-solving skills.

10.12. The child's Following of verbal directions.

11.13. The child's Demonstration of curiosity, persistence, and exploratory behavior.

12.14. The child's Interest in books and other printed materials.

13.15. The child's Paying attention to stories.

14.16. The child's Participation in art and music activities.

15.17. The child's Ability to identify colors, geometric shapes, letters of the alphabet, numbers, and spatial and temporal relationships.

Each regional child development board shall also require that, before a child is enrolled in the board's school readiness program, information must first be obtained regarding the child's immunizations, physical development, and other health requirements as necessary, including appropriate vision and hearing screening and examinations.

(p) The partnership shall prepare a plan for implementing the system for measuring school readiness in such a way that all children in this state will undergo the uniform screening established by the partnership when they enter kindergarten. Children who enter public school for the first time in first grade must undergo a uniform screening approved by the partnership for use in first grade. Because children with disabilities may not be able to meet all of the identified expectations for school readiness, the plan for measuring school readiness shall incorporate mechanisms for recognizing the potential variations in expectations for school readiness when serving children with disabilities and shall provide for communities to serve children with disabilities.

(k)(q) The Agency for Workforce Innovation partnership shall conduct studies and planning activities related to the overall improvement and effectiveness of the outcome school readiness measures adopted by the agency for school readiness programs.

(l) The Agency for Workforce Innovation, with the advice of the Florida Child Development Advisory Council, shall adopt and administer a quality-assurance system. The Agency for Workforce Innovation shall use the quality-assurance system to monitor and evaluate the performance of each regional child development board in administering the school readiness program and implementing the board's school readiness plan. The quality-assurance system must include, at a minimum, onsite monitoring of each board's finances, management, operations, and programs.

(m) The Agency for Workforce Innovation, with the advice of the Florida Child Development Advisory Council, shall identify best practices of regional child development boards in order to improve the outcomes of school readiness programs.

(r) The partnership shall establish procedures for performance-based budgeting in school readiness programs.

(n)(s) The Agency for Workforce Innovation partnership shall submit an annual report of its activities conducted under this section to the Governor, the executive director of the Florida Healthy Kids Corporation, the President of the Senate, the Speaker of the House of Representatives, and the minority leaders of both houses of the Legislature. In addition, the Agency for Workforce Innovation's partnership's reports and recommendations shall be made available to the State Board of Education, the Florida Child Development Advisory Council, other appropriate state agencies and entities, district school boards, central

agencies for child care, and county health departments. The annual report must provide an analysis of school readiness activities across the state, including the number of children who were served in the programs and the number of children who were ready for school.

(o)(t) The Agency for Workforce Innovation partnership shall work with regional child development boards school readiness coalitions to increase parents' training for and involvement in their children's pre-school education and to provide family literacy activities and programs.

To ensure that the system for measuring school readiness is comprehensive and appropriate statewide, as the system is developed and implemented, the partnership must consult with representatives of district school systems, providers of public and private child care, health care providers, large and small employers, experts in education for children with disabilities, and experts in child development.

(5) CREATION OF REGIONAL CHILD DEVELOPMENT BOARDS SCHOOL READINESS COALITIONS.—

(a) Regional child development boards School readiness coalitions.—

1. The Agency for Workforce Innovation, with the advice of the Florida Child Development Advisory Council created under s. 1002.73, shall establish the minimum number of children to be served by each regional child development board through the board's school readiness program. The Agency for Workforce Innovation may only approve school readiness plans in accordance with this minimum number. The minimum number must be uniform for every regional child development board and must:

- a. Permit 30 or fewer boards to be established; and
- b. Require each board to serve at least 2,000 children based upon the average number of all children served per month through the board's school readiness program during the previous 12 months.

The Agency for Workforce Innovation shall adopt procedures for the merger of regional child development boards, including procedures for the consolidation of merging boards and for the early termination of the terms of board members, which are necessary to accomplish the mergers. Each regional child development board must comply with the merger procedures and shall be organized in accordance with this subparagraph by January 1, 2005. By June 30, 2005, each board must complete the transfer of powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds to the successor board, if applicable.

2. If a regional child development board coalition's plan would serve fewer less than 400 birth to kindergarten age children than the minimum number established under subparagraph 1., the board coalition must either join with another county to form a multicounty board coalition, enter an agreement with a fiscal agent to serve more than one coalition, or demonstrate to the partnership its ability to effectively and efficiently implement its plan as a single county coalition and meet all required performance standards and outcome measures.

3. Each regional child development board shall be composed of at least 18 members but not more than 35 members. The Agency for Workforce Innovation, with the advice of the Florida Child Development Advisory Council, shall adopt standards establishing within this range the minimum and maximum number of members that may be appointed to a regional child development board. These standards shall include variations for a board serving a multicounty region. Each regional child development board must comply with these standards.

4. The Governor shall appoint the chair and two other members of each regional child development board, who must each meet the same qualifications as private-sector business members appointed by the board under subparagraph 6.

5. Each regional child development board coalition shall have at least 18 but not more than 25 members and such members must include the following members:

- a. A Department of Children and Family Services district administrator or his or her designee who is authorized to make decisions on behalf of the department.
- b. A district superintendent of schools or his or her designee who is authorized to make decisions on behalf of the district.

c. A regional workforce development board executive chair or director or his or her designee, where applicable.

d. A county health department director or his or her designee.

e. A children's services council or juvenile welfare board chair or executive director, if applicable.

f. An agency head of a local child care licensing agency as defined in s. 402.302, where applicable head.

g. A president of a community college or his or her designee.

g.—One member appointed by a Department of Children and Family Services district administrator.

h. One member appointed by a board of county commissioners.

i.—One member appointed by a district school board.

i.j. A central child care agency administrator, where applicable.

j.k. A Head Start director.

k.l. A representative of private child care providers, including family day care homes.

l.m. A representative of faith-based child care providers.

m. A representative of programs for children with disabilities under the federal Individuals with Disabilities Education Act.

6. Including the members appointed by the Governor under subparagraph 4., more than one-third of the coalition members of each regional child development board must be private-sector business members who do not have, and none of whose relatives as defined in s. 112.3143 has, a substantial financial interest in the design or delivery of the Voluntary Prekindergarten Education Program created under part V of chapter 1002 or the board's school readiness program from the private sector, and neither they nor their families may earn an income from the early education and child care industry. To meet this requirement a regional child development board coalition must appoint additional members from a list of nominees submitted presented to the board coalition by a chamber of commerce or economic development council within the geographic region served by area of the board coalition. The Agency for Workforce Innovation shall adopt criteria for the appointment of private-sector business members. These criteria must include standards for determining whether a member or relative has a substantial financial interest in the design or delivery of the Voluntary Prekindergarten Education Program or the board's school readiness program.

7. A No member of a regional child development board coalition may not appoint a designee to act in his or her place. A member may send a representative to board coalition meetings, but that representative does not will have no voting privileges. When a district superintendent of schools or a district administrator for the Department of Children and Family Services appoints a designee to a regional child development board school readiness coalition, the designee is will be the voting member of the board coalition, and any individual attending in the designee's his or her place, including the district administrator or superintendent, does not will have no voting privileges.

8. Each member Members of a regional child development board is the coalition are subject to s. 112.313, s. 112.3135, and s. 112.3143 the ethics provisions in part III of chapter 112. For purposes of s. 112.3143(3)(a), each member is a local public officer who must abstain from voting when a voting conflict exists.

9. For the purposes of tort liability, each member or employee of a regional child development board the members of the school readiness coalition and its employees shall be governed by s. 768.28.

10. A regional child development board serving a multicounty region coalitions shall include representation from each county.

11. Each regional child development board shall establish The terms for of all appointed members of the board. The terms coalition must be staggered and must be a uniform length that does not exceed 4 years per term. Appointed members may serve a maximum of two consec-

utive terms. When a vacancy occurs in an appointed position, the ~~board coalition~~ must advertise the vacancy.

(b) Program participation.—The school readiness program shall be established for children ~~younger than from birth to 5 years of age or until the child enters kindergarten~~ *eligibility as defined in s. 1002.51*. The program shall be administered by the ~~regional child development board school readiness coalition~~. Within funding limitations, the ~~regional child development board school readiness coalition~~, along with all providers, shall make reasonable efforts to accommodate the needs of children for extended-day and extended-year services without compromising the quality of the program.

(c) Program expectations.—

1. The school readiness program must meet the following expectations:

a. The program must, *at a minimum, enhance the age-appropriate progress of each child in the development of the school readiness skills required under paragraph (4)(j) prepare preschool children to enter kindergarten ready to learn*, as measured by the *performance standards and outcome measures adopted criteria established* by the Agency for Workforce Innovation ~~Florida Partnership for School Readiness~~.

b. The program must provide extended-day and extended-year services to the maximum extent possible to meet the needs of parents who work.

c. There must be coordinated staff development and teaching opportunities.

d. There must be expanded access to community services and resources for families to help achieve economic self-sufficiency.

e. There must be a single point of entry and unified waiting list. *As used in this sub-subparagraph, the term "single point of entry" means an integrated information system that allows a parent to enroll his or her child in the school readiness program at various locations throughout the county or multicounty region served by a regional child development board, that may allow a parent to enroll his or her child by telephone or through an Internet website, and that uses a unified waiting list to track eligible children waiting for enrollment in the school readiness program. The Agency for Workforce Innovation shall establish a single statewide information system that integrates each regional child development board's single point of entry, and each board must use the statewide system.*

f. ~~The Agency for Workforce Innovation must consider the access of eligible children to the school readiness program, as demonstrated in part by waiting lists, before approving a proposed increase in payment rates submitted by a regional child development board.~~

~~f. As long as funding or eligible populations do not decrease, the program must serve at least as many children as were served prior to implementation of the program.~~

g. There must be a community plan to address the needs of all eligible children.

h. The program must meet all state licensing guidelines, where applicable.

2. The ~~regional child development board school readiness coalition~~ must implement a comprehensive program of school readiness services that enhance the cognitive, social, and physical development of children to achieve the performance standards and outcome measures *adopted specified* by the Agency for Workforce Innovation ~~partnership~~. At a minimum, these programs must contain the following elements:

a. Developmentally appropriate curriculum *designed to enhance the age-appropriate progress of children in attaining the performance standards adopted by the Agency for Workforce Innovation under subparagraph (4)(d)8*.

b. A character development program to develop basic values.

c. An age-appropriate assessment of each child's development.

d. A pretest administered to children when they enter a program and a posttest administered to children when they leave the program.

e. An appropriate ~~staff-to-children~~ *staff-to-child* ratio.

f. A ~~healthy healthful~~ and safe environment.

g. A resource and referral network to assist parents in making an informed choice.

(d) Implementation.—

1. ~~A regional child development board may not implement the school readiness program is to be phased in: until the board is authorized coalition implements its plan, the county shall continue to receive the services identified in subsection (3) through the various agencies that would be responsible for delivering those services under current law. Plan implementation is subject to approval of the board's school readiness coalition and the plan by the Agency for Workforce Innovation Florida Partnership for School Readiness.~~

2. Each ~~regional child development board school readiness coalition~~ shall develop a plan for implementing the school readiness program to meet the requirements of this section and the performance standards and outcome measures *adopted established* by the Agency for Workforce Innovation ~~partnership~~. ~~The plan must include a written description of the role of the program in the coalition's effort to meet the first state education goal, readiness to start school, including a description of the plan to involve the prekindergarten early intervention programs, Head Start Programs, programs offered by public or private providers of child care, preschool programs for children with disabilities, programs for migrant children, Title I programs, subsidized child care programs, and teen parent programs.~~ The plan must also demonstrate how the program will ensure that each 3-year-old and 4-year-old child in a publicly funded school readiness program receives scheduled activities and instruction designed to *enhance the age-appropriate progress of the prepare children in attaining the performance standards adopted by the Agency for Workforce Innovation under subparagraph (4)(d)8 to enter kindergarten ready to learn. Before* ~~Prior to~~ implementation of the school readiness program, the ~~regional child development board school readiness coalition~~ must submit the plan to the Agency for Workforce Innovation ~~partnership~~ for approval. The Agency for Workforce Innovation ~~partnership~~ may approve the plan, reject the plan, or approve the plan with conditions. The Agency for Workforce Innovation ~~Florida Partnership for School Readiness~~ shall review ~~school readiness coalition~~ plans at least annually.

3. *If the Agency for Workforce Innovation determines during the annual review of school readiness plans, or through monitoring and performance evaluations conducted under the quality-assurance system, that a regional child development board has not substantially implemented its plan or has not substantially met the performance standards and outcome measures adopted by the agency, the Agency for Workforce Innovation may reject the board's plan and contract with a qualified entity to continue school readiness services in the board's county or multicounty region until the board is reestablished through resubmission of a school readiness plan and approval by the agency.*

~~4.3.~~ *The Agency for Workforce Innovation, with the advice of the Florida Child Development Advisory Council, shall adopt criteria for the approval of school readiness plans. The criteria must be consistent with the performance standards and outcome measures adopted by the agency and must require each approved plan to for the school readiness program must include the following minimum standards and provisions:*

a. A sliding fee scale establishing a copayment for parents based upon their ability to pay, which is the same for all program providers, to be implemented and reflected in each program's budget.

b. A choice of settings and locations in licensed, registered, religious-exempt, or school-based programs to be provided to parents.

c. Instructional staff who have completed the training course as required in s. 402.305(2)(d)1., as well as staff who have additional training or credentials as required by the Agency for Workforce Innovation ~~partnership~~. The plan must provide a method for assuring the qualifications of all personnel in all program settings.

d. Specific eligibility priorities for children within the *regional child development board's coalition's county or multicounty region in accordance with* ~~pursuant to~~ subsection (6).

e. Performance standards and outcome measures *adopted established by the Agency for Workforce Innovation partnership or alternatively, standards and outcome measures to be used until such time as the partnership adopts such standards and outcome measures.*

f. *Payment Reimbursement rates adopted that have been developed by the regional child development board and approved by the Agency for Workforce Innovation coalition. Payment Reimbursement rates shall not have the effect of limiting parental choice or creating standards or levels of services that have not been authorized by the Legislature.*

g. Systems support services, including a central agency, child care resource and referral, eligibility determinations, training of providers, and parent support and involvement.

h. Direct enhancement services to families and children. System support and direct enhancement services shall be in addition to payments for the placement of children in school readiness programs.

i. *The A business organization of the regional child development board plan, which must include the board's articles of incorporation and bylaws if the board is organized as a corporation. If the board is not organized as a corporation or other business entity, the plan must include the contract with a fiscal school readiness agent if the coalition is not a legally established corporate entity. A regional child development board Coalitions may contract with other regional child development boards coalitions to achieve efficiency in multicounty multiple-county services, and these such contracts may be part of the board's school readiness coalition's business plan.*

j. Strategies to meet the needs of unique populations, such as migrant workers.

As part of the *school readiness plan, the regional child development board coalition may request the Governor to apply for a waiver to allow the board coalition to administer the Head Start Program to accomplish the purposes of the school readiness program. If a any school readiness plan demonstrates can demonstrate that specific statutory goals may can be achieved more effectively by using procedures that require modification of existing rules, policies, or procedures, a request for a waiver to the Agency for Workforce Innovation partnership may be submitted made as part of the plan. Upon review, the Agency for Workforce Innovation partnership may grant the proposed modification.*

5.4. Persons with an early childhood teaching certificate may provide support and supervision to other staff in the school readiness program.

6.5. *A regional child development board The coalition may not implement its school readiness plan until the board it submits the plan to and receives approval from the Agency for Workforce Innovation partnership. Once the plan is has been approved, the plan and the services provided under the plan shall be controlled by the regional child development board coalition rather than by the state agencies or departments. The plan shall be reviewed and revised as necessary, but at least biennially. A regional child development board may not implement the revisions until the board submits the revised plan to and receives approval from the Agency for Workforce Innovation. If the Agency for Workforce Innovation rejects a revised plan, the board must continue to operate under its prior approved plan.*

7.6. *Sections The following statutes will not apply to local coalitions with approved plans: ss. 125.901(2)(a)3., 411.221, and 411.232 do not apply to a regional child development board with an approved school readiness plan. To facilitate innovative practices and to allow the regional local establishment of school readiness programs, a regional child development board school readiness coalition may apply to the Governor and Cabinet for a waiver of, and the Governor and Cabinet may waive, any of the provisions of ss. 411.223, 411.232, and 1003.54, if the waiver is necessary for implementation of the board's coalition's school readiness plan.*

8.7. Two or more counties may join for *purposes the purpose of planning and implementing a school readiness program.*

9.8. *A regional child development board coalition may, subject to approval by of the Agency for Workforce Innovation partnership as part of the board's school readiness coalition's plan, receive subsidized child care funds for all children eligible for any federal subsidized child care program and be the provider of the program services.*

10.9. *A regional child development board may Coalitions are authorized to enter into multiparty contracts with multicounty service providers in order to meet the needs of unique populations such as migrant workers.*

(e) Requests for proposals; payment schedule.—

1. *At least once every 3 years, beginning July 1, 2001, Each regional child development board coalition must comply with follow the competitive procurement requirements of s. 287.057 for the procurement of commodities or contractual services from the funds described in paragraph (9)(d) school readiness programs. The period of a contract for purchase of these commodities or contractual services, together with any renewal of the original contract, may not exceed 3 years.*

2. *Each regional child development board coalition shall adopt develop a payment schedule that encompasses all programs funded by the board under this section that coalition. The payment schedule must take into consideration the relevant market rate, must include the projected number of children to be served, and must be submitted for approval by to the Agency for Workforce Innovation partnership for information. Informal child care arrangements shall be reimbursed at not more than 50 percent of the rate developed for a family day care home childcare.*

(f) Requirements relating to fiscal agents.—*If a regional child development board the local coalition is not a legally organized as a corporation or other business established corporate entity, the board coalition must designate a fiscal agent, which may be a public entity, or a private nonprofit organization, or a certified public accountant who holds a license under chapter 473. The fiscal agent must shall be required to provide financial and administrative services under pursuant to a contract or agreement with the regional child development board school readiness coalition. The fiscal agent may not provide direct early childhood education or child care services; however, a fiscal agent may provide those such services upon written request of the regional child development board coalition to the Agency for Workforce Innovation partnership and upon the approval of the such request by the agency partnership. The cost of the financial and administrative services shall be negotiated between the fiscal agent and the regional child development board school readiness coalition. If the fiscal agent is a provider of early childhood education and child care programs, the contract must specify that the fiscal agent shall will act on policy direction from the regional child development board coalition and must will not receive policy direction from its own corporate board regarding disbursement of the regional child development board's coalition funds. The fiscal agent shall disburse funds in accordance with the regional child development board's approved coalition school readiness plan and based on billing and disbursement procedures approved by the Agency for Workforce Innovation partnership. The fiscal agent must conform to all data-reporting requirements established by the Agency for Workforce Innovation partnership.*

(g) Evaluation and annual report.—*Each regional child development board school readiness coalition shall conduct an evaluation of the effectiveness of the school readiness program, including performance standards and outcome measures, and shall provide an annual report and fiscal statement to the Agency for Workforce Innovation Florida Partnership for School Readiness. This report must conform to the content and format specifications set by the Agency for Workforce Innovation Florida Partnership for School Readiness. The Agency for Workforce Innovation partnership must include an analysis of the regional child development board's coalition reports in the agency's its annual report.*

(6) PROGRAM ELIGIBILITY.—*Each regional child development board's The school readiness program shall be established for children younger than under the age of kindergarten eligibility as defined in s. 1002.51. Priority for participation in the school readiness program shall be given to children age 3 years to school entry who are served by the Family Safety Program Office of the Department of Children and Family Services or a community-based lead agency under pursuant to chapter 39 and for whom child care is needed to minimize risk of further abuse, neglect, or abandonment. Other eligible populations include children who meet one or more of the following criteria:*

(a) Children under the age of kindergarten eligibility who are:

1. *Children determined to be at risk of abuse, neglect, or exploitation who are currently clients of the Family Safety Program Office of the Department of Children and Family Services, but who are not otherwise given priority under this subsection.*

2.1. Children at risk of welfare dependency, including economically disadvantaged children, children of participants in the welfare transition program, children of migrant farmworkers, and children of teen parents.

3.2. Children of working families whose family income does not exceed 150 percent of the federal poverty level.

4.3. Children for whom the state is paying a relative caregiver payment under s. 39.5085.

(b) Three-year-old children and 4-year-old children who may not be economically disadvantaged but who have disabilities, have been served in a specific part-time or combination of part-time exceptional education programs with required special services, aids, or equipment, and were previously reported for funding part time with the Florida Education Finance Program as exceptional students.

(c) Economically disadvantaged children, children with disabilities, and children at risk of future school failure, from birth to 4 years of age, who are served at home through home visitor programs and intensive parent education programs such as the Florida First Start Program.

(d) Children who meet federal and state *eligibility* requirements for *eligibility* for the migrant preschool program but who do not meet the criteria of economically disadvantaged.

As used in this subsection, the term An "economically disadvantaged" child means a child whose family income does not exceed is below 150 percent of the federal poverty level. Notwithstanding any change in a family's economic status, but subject to additional family contributions in accordance with the sliding fee scale, a child who meets the eligibility requirements upon initial registration for the program remains shall be considered eligible until the child reaches kindergarten eligibility as defined in s. 1002.51 age.

(7) PARENTAL CHOICE.—

(a) The school readiness program shall provide parental choice through pursuant to a purchase service order that ensures, to the maximum extent possible, flexibility in school readiness programs and payment arrangements. According to federal regulations requiring parental choice, a parent may choose an informal child care arrangement. The purchase order must bear the name of the beneficiary and the program provider and, when redeemed, must bear the signature of both the beneficiary and an authorized representative of the provider.

(b) If it is determined that a provider has provided any cash to the beneficiary in return for receiving the purchase order, the regional child development board coalition or its fiscal agent shall refer the matter to the Division of Public Assistance Fraud for investigation.

(c) The office of the Chief Financial Officer shall establish an electronic transfer system for the disbursement of funds in accordance with this subsection. *Each regional child development board School readiness coalitions shall fully implement the electronic funds transfer system within 2 years after plan approval of the board's school readiness plan, unless a waiver is obtained from the Agency for Workforce Innovation partnership.*

(8) STANDARDS; OUTCOME MEASURES.—All publicly funded school readiness programs *must shall be required to meet the performance standards and outcome measures adopted developed and approved by the Agency for Workforce Innovation partnership. The Agency for Workforce Innovation shall consult with the Office of Program Policy Analysis and Government Accountability shall provide consultation to the partnership in the development of the measures and standards. These performance standards and outcome measures shall apply be applicable on a statewide basis.*

(9) FUNDING; SCHOOL READINESS PROGRAM.—

(a) It is the intent of this section to establish an integrated and quality seamless service delivery system for all publicly funded early childhood education and child care programs operating in this state.

(b) ~~Notwithstanding s. 20.50:~~

1. The Agency for Workforce Innovation shall administer school readiness funds, plans, and policies pursuant to the contract with the Florida Partnership for School Readiness and shall prepare and submit a unified budget request for the school readiness system program in accordance with chapter 216.

2. All instructions to regional child development boards for the administration of this section ~~local school readiness coalitions shall emanate from the Agency for Workforce Innovation in accordance with the pursuant to policies of the Legislature, plans of the Florida Partnership for School Readiness, and the contract between the Florida Partnership for School Readiness and the agency.~~

(c) The Agency for Workforce Innovation shall ~~adopt prepare a formula plan that provides for the allocation among the regional child development boards distribution and expenditure of all state and federal school readiness funds for children participating in public or private school readiness programs based upon an equity and performance funding formula. The allocation formula must plan shall be submitted to the Governor and the Legislative Budget Commission. Upon approval, the Legislative Budget Commission shall authorize the transfer of funds to the Agency for Workforce Innovation to distribute funds for distribution in accordance with the allocation provisions of the formula. For fiscal year 2004-2005, the Agency for Workforce Innovation shall allocate funds to the regional child development boards consistent with the fiscal year 2003-2004 funding allocations to the local school readiness coalitions.~~

(d) All state funds budgeted for a county for the programs specified in subsection (3), along with the pro rata share of the state administrative costs of those programs in the amount as determined by the partnership, all federal, funds and required local maintenance-of-effort or matching funds provided to a regional child development board for a county for programs specified in subsection (3), and any additional funds appropriated or obtained for purposes of this section, shall be used by transferred for the benefit of the board coalition for implementation of its school readiness plan, including the hiring of staff to effectively operate the board's coalition's school readiness program. As part of plan approval and periodic plan review, the Agency for Workforce Innovation partnership shall require that administrative costs be kept to the minimum necessary for efficient and effective administration of the school readiness plan, but total administrative expenditures ~~must shall~~ not exceed 5 percent unless specifically waived by the Agency for Workforce Innovation partnership. The Agency for Workforce Innovation partnership shall annually report to the Legislature any problems relating to administrative costs.

(e) The Agency for Workforce Innovation partnership shall annually distribute, to a maximum extent practicable, all eligible funds provided under this section as block grants to the regional child development boards. ~~assist coalitions in integrating services and funding to develop a quality service delivery system. Subject to appropriation, the partnership may also provide financial awards to coalitions demonstrating success in merging and integrating funding streams to serve children and school readiness programs.~~

(f) State funds appropriated for the school readiness program may not be used for the construction of new facilities or the purchase of buses. The Agency for Workforce Innovation partnership shall present to the Legislature recommendations for providing necessary transportation services for school readiness programs.

(g) All cost savings and all revenues received through a mandatory sliding fee scale shall be used to help fund each regional child development board's the local school readiness program.

(10) UNAUTHORIZED TRANSFERS.—*Notwithstanding any other law to the contrary, the Agency for Workforce Innovation may not transfer to the Department of Education, through an interagency agreement or through any other means, any of the agency's powers, duties, functions, rules, records, personnel, property, or unexpended balances of appropriations, allocations, or other funds, any of which have been or which may be authorized for administration of s. 402.25, s. 402.27, s. 402.3016, s.*

402.3017, s. 402.3018, s. 402.3051, s. 409.178, or this section, without specific legislative authority by express reference to this subsection.

~~(10) SCHOOL READINESS UNIFORM SCREENING.—The Department of Education shall implement a school readiness uniform screening, including a pilot program during the 2001-2002 school year, to validate the system recommended by the Florida Partnership for School Readiness as part of a comprehensive evaluation design. Beginning with the 2002-2003 school year, the department shall require that all school districts administer the school readiness uniform screening to each kindergarten student in the district school system upon the student's entry into kindergarten. Children who enter public school for the first time in first grade must undergo a uniform screening adopted for use in first grade. The department shall incorporate school readiness data into the K-20 data warehouse for longitudinal tracking. Notwithstanding s. 1002.22, the department shall provide the partnership and the Agency for Workforce Innovation with complete and full access to kindergarten uniform screening data at the student, school, district, and state levels in a format that will enable the partnership and the agency to prepare reports needed by state policymakers and local school readiness coalitions to access progress toward school readiness goals and provide input for continuous improvement of local school readiness services and programs.~~

~~(11) REPORTS.—The Office of Program Policy Analysis and Government Accountability shall assess the implementation, efficiency, and outcomes of the school readiness program and report its findings to the President of the Senate and the Speaker of the House of Representatives by January 1, 2002. Subsequent reviews shall be conducted at the direction of the Joint Legislative Auditing Committee.~~

~~(11)(12) CONFLICTING PROVISIONS.—In the event of a conflict between the provisions of this section and federal requirements, the federal requirements shall control.~~

~~(12)(13) PLACEMENTS.—Notwithstanding any other provision of this section to the contrary, and for fiscal year 2003-2004 only, the first children to be placed in the school readiness program shall be those from families receiving temporary cash assistance and subject to federal work requirements. Subsequent placements shall be made in accordance with subsection (6) pursuant to the provisions of this section. This subsection expires July 1, 2004.~~

Section 3. Effective July 1, 2004, paragraph (a) of subsection (3) of section 11.45, Florida Statutes, is amended to read:

11.45 Definitions; duties; authorities; reports; rules.—

(3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.—

(a) The Auditor General may, by pursuant to his or her own authority, or at the direction of the Legislative Auditing Committee, conduct audits or other engagements as determined appropriate by the Auditor General of:

1. The accounts and records of any governmental entity created or established by law.
2. The information technology programs, activities, functions, or systems of any governmental entity created or established by law.
3. The accounts and records of any charter school created or established by law.
4. The accounts and records of any direct-support organization or citizen support organization created or established by law. The Auditor General may is authorized to require and receive any records from the direct-support organization or citizen support organization, or from its independent auditor.
5. The public records associated with any appropriation made by the General Appropriations Act to a nongovernmental agency, corporation, or person. All records of a nongovernmental agency, corporation, or person for with respect to the receipt and expenditure of the such an appropriation are shall be public records and shall be treated in the same manner as other public records are under general law.
6. State financial assistance provided to any nonstate entity.

7. The Tobacco Settlement Financing Corporation created under pursuant to s. 215.56005.

8. The Florida Virtual School created under pursuant to s. 1002.37.

9. Any purchases of federal surplus lands for use as sites for correctional facilities as described in s. 253.037.

10. Enterprise Florida, Inc., including any of its boards, advisory committees, or similar groups created by Enterprise Florida, Inc., and programs. The audit report may not reveal the identity of any person who has anonymously made a donation to Enterprise Florida, Inc., under pursuant to this subparagraph. The identity of a donor or prospective donor to Enterprise Florida, Inc., who desires to remain anonymous and all information identifying the such donor or prospective donor are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. The Such anonymity shall be maintained in the auditor's report.

11. The Florida Development Finance Corporation or the capital development board or the programs or entities created by the board. The audit or report may not reveal the identity of any person who has anonymously made a donation to the board under pursuant to this subparagraph. The identity of a donor or prospective donor to the board who desires to remain anonymous and all information identifying the such donor or prospective donor are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. The Such anonymity shall be maintained in the auditor's report.

12. The records pertaining to the use of funds from voluntary contributions on a motor vehicle registration application or on a driver's license application authorized under pursuant to ss. 320.023 and 322.081.

13. The records pertaining to the use of funds from the sale of specialty license plates described in chapter 320.

14. The transportation corporations under contract with the Department of Transportation that are acting on behalf of the state to secure and obtain rights-of-way for urgently needed transportation systems and to assist in the planning and design of the such systems under pursuant to ss. 339.401-339.421.

15. The acquisitions and divestitures related to the Florida Communities Trust Program created under pursuant to chapter 380.

16. The Florida Water Pollution Control Financing Corporation created under pursuant to s. 403.1837.

17. The school readiness system, including the regional child development boards, Florida Partnership for School Readiness created under pursuant to s. 411.01.

18. The Florida Special Disability Trust Fund Financing Corporation created under pursuant to s. 440.49.

19. Workforce Florida, Inc., or the programs or entities created by Workforce Florida, Inc., created under pursuant to s. 445.004.

20. The corporation defined in s. 455.32 which that is under contract with the Department of Business and Professional Regulation to provide administrative, investigative, examination, licensing, and prosecutorial support services in accordance with the provisions of s. 455.32 and the practice act of the relevant profession.

21. The Florida Engineers Management Corporation created under pursuant to chapter 471.

22. The Investment Fraud Restoration Financing Corporation created under pursuant to chapter 517.

23. The books and records of any permitholder that conducts race meetings or jai alai exhibitions under chapter 550.

24. The corporation defined in part II of chapter 946, cited known as the Prison Rehabilitative Industries and Diversified Enterprises, Inc., or PRIDE Enterprises.

Section 4. Subsection (6) of section 20.15, Florida Statutes, is amended to read:

20.15 Department of Education.—There is created a Department of Education.

(6) COUNCILS AND COMMITTEES.—Notwithstanding ~~any~~ ~~anything contained in~~ law to the contrary, the commissioner shall appoint all members of all councils and committees of the Department of Education, except for the Commission for Independent Education, and the Education Practices Commission, and the Florida Child Development Advisory Council.

Section 5. Effective July 1, 2004, subsection (2) of section 20.50, Florida Statutes, is amended to read:

20.50 Agency for Workforce Innovation.—There is created the Agency for Workforce Innovation within the Department of Management Services. The agency shall be a separate budget entity, and the director of the agency shall be the agency head for all purposes. The agency shall not be subject to control, supervision, or direction by the Department of Management Services in any manner, including, but not limited to, personnel, purchasing, transactions involving real or personal property, and budgetary matters.

(2) The Agency for Workforce Innovation ~~is shall be the designated~~ administrative agency ~~designated~~ for receipt of federal workforce development grants and other federal funds. ~~The agency, and shall administer~~ ~~carry out~~ the duties and responsibilities assigned by the Governor under each federal grant assigned to the agency. The agency shall be a separate budget entity and shall expend each revenue source as provided by federal and state law and as provided in plans developed by and agreements with Workforce Florida, Inc. The agency shall prepare and submit as a separate budget entity a unified budget request for workforce development, in accordance with chapter 216 for, and in conjunction with, Workforce Florida, Inc., and its board. The head of the agency is the director of Workforce Innovation, who shall be appointed by the Governor. ~~The~~ accountability and reporting functions of the agency shall be administered by the director or his or her designee. ~~Included in~~ These functions ~~shall include~~ are budget management, financial management, audit, performance management standards and controls, assessing outcomes of service delivery, and financial administration of workforce programs ~~under pursuant to s. 445.004(5) and (9). Within the agency's overall organizational structure.~~ The agency shall include the following offices ~~within its organizational structure~~, which shall have the specified responsibilities:

(a) The Office of Workforce Services shall administer the unemployment compensation program, the Rapid Response program, the Work Opportunity Tax Credit program, the Alien Labor Certification program, and any other programs that are delivered directly by agency staff rather than through the one-stop delivery system. The office shall be directed by the Deputy Director for Workforce Services, who shall be appointed by and serve at the pleasure of the director.

(b) The Office of Program Support and Accountability shall administer state merit system program staff within the workforce service delivery system, ~~under the pursuant to~~ policies of Workforce Florida, Inc. The office ~~is shall be~~ responsible for delivering services through the one-stop delivery system and for ensuring that participants in welfare transition programs receive case management services, diversion assistance, support services, including ~~subsidized~~ child care and transportation services, Medicaid services, and transition assistance to enable them to succeed in the workforce. The office ~~is shall~~ also be responsible for program quality assurance, grants and contract management, contracting, financial management, and reporting. The office shall be directed by the Deputy Director for Program Support and Accountability, who shall be appointed by and serve at the pleasure of the director. The office ~~is shall~~ be responsible for:

1. Establishing monitoring, quality assurance, and quality improvement systems that routinely assess the quality and effectiveness of contracted programs and services.

2. Annual review of each regional workforce board and administrative entity to ensure ~~that~~ adequate systems of reporting and control are in place; ~~that, and~~ monitoring, quality assurance, and quality improvement activities are conducted routinely; and ~~that~~ corrective action is taken to eliminate deficiencies.

(c) ~~The Office of Child Development shall administer the school readiness system in accordance with s. 411.01. The office shall be directed by~~

~~the Deputy Director for Child Development, who shall be appointed by and serve at the pleasure of the director.~~

(d)(e) The Office of Agency Support Services ~~is shall be~~ responsible for procurement, human resource services, and information services including delivering information on labor markets, employment, occupations, and performance, and shall implement and maintain information systems that are required for the effective operation of the one-stop delivery system and the school readiness services system, including, but not limited to, those systems described in s. 445.009. The office ~~shall will~~ be ~~directed by under the direction of~~ the Deputy Director for Agency Support Services, who shall be appointed by and serve at the pleasure of the director. The office ~~is shall be~~ responsible for establishing:

1. Information systems and controls that report reliable, timely and accurate fiscal and performance data for assessing outcomes, service delivery, and financial administration of workforce programs ~~under pursuant to~~ s. 445.004(5) and (9).

2. Information systems that support service integration and case management by providing for case tracking for participants in welfare transition programs.

3. Information systems that support ~~the~~ school readiness system services.

(e)(d) The Unemployment Appeals Commission, authorized by s. 443.012, ~~is shall not be~~ subject to the control, supervision, or direction by the Agency for Workforce Innovation in the performance of its powers and duties but shall receive any and all support and assistance from the agency that ~~is may be~~ required for the performance of its duties.

Section 6. Effective July 1, 2004, paragraph (b) of subsection (1) of section 125.901, Florida Statutes, is amended to read:

125.901 Children's services; independent special district; council; powers, duties, and functions.—

(1) Each county may by ordinance create an independent special district, as defined in ss. 189.403(3) and 200.001(8)(e), to provide funding for children's services throughout the county in accordance with this section. The boundaries of such district shall be coterminous with the boundaries of the county. The county governing body shall obtain approval, by a majority vote of those electors voting on the question, to annually levy ad valorem taxes which shall not exceed the maximum millage rate authorized by this section. Any district created pursuant to the provisions of this subsection shall be required to levy and fix millage subject to the provisions of s. 200.065. Once such millage is approved by the electorate, the district shall not be required to seek approval of the electorate in future years to levy the previously approved millage.

(b) However, any county as defined in s. 125.011(1) may instead have a governing board consisting of 33 members, including: the superintendent of schools; two representatives of public postsecondary education institutions located in the county; the county manager or the equivalent county officer; the district administrator from the appropriate district of the Department of Children and Family Services, or the administrator's designee who is a member of the Senior Management Service or the Selected Exempt Service; the director of the county health department or the director's designee; the state attorney for the county or the state attorney's designee; the chief judge assigned to juvenile cases, or another juvenile judge who is the chief judge's designee and who shall sit as a voting member of the board, except that the judge may not vote or participate in setting ad valorem taxes under this section; an individual who is selected by the board of the local United Way or its equivalent; a member of a locally recognized faith-based coalition, selected by that coalition; a member of the local chamber of commerce, selected by that chamber or, if more than one chamber exists within the county, a person selected by a coalition of the local chambers; a member of the ~~regional child development board local school readiness coalition~~, selected by that ~~board coalition~~; a representative of a labor organization or union active in the county; a member of a local alliance or coalition engaged in cross-system planning for health and social service delivery in the county, selected by that alliance or coalition; a member of the local Parent-Teachers Association/Parent-Teacher-Student Association, selected by that association; a youth representative selected by the local school system's student government; a local school board member appointed by the chair of the school board; the mayor of the county or the mayor's designee; one member of the county governing body, appointed by the

chair of that body; a member of the state Legislature who represents residents of the county, selected by the chair of the local legislative delegation; an elected official representing the residents of a municipality in the county, selected by the county municipal league; and 4 members-at-large, appointed to the council by the majority of sitting council members. The remaining 7 members shall be appointed by the Governor in accordance with procedures set forth in paragraph (a), except that the Governor may remove a member for cause or upon the written petition of the council. Appointments by the Governor must, to the extent reasonably possible, represent the geographic and demographic diversity of the population of the county. Members who are appointed to the council by reason of their position are not subject to the length of terms and limits on consecutive terms as provided in this section. The remaining appointed members of the governing board shall be appointed to serve 2-year terms, except that those members appointed by the Governor shall be appointed to serve 4-year terms, and the youth representative and the legislative delegate shall be appointed to serve 1-year terms. A member may be reappointed; however, a member may not serve for more than three consecutive terms. A member is eligible to be appointed again after a 2-year hiatus from the council.

Section 7. Effective July 1, 2004, subsection (1) of section 216.133, Florida Statutes, is amended to read:

216.133 Definitions; ss. 216.133-216.137.—As used in ss. 216.133-216.137:

(1) “Consensus estimating conference” includes the Economic Estimating Conference, the Demographic Estimating Conference, the Revenue Estimating Conference, the Education Estimating Conference, the Criminal Justice Estimating Conference, the Juvenile Justice Estimating Conference, the Child Welfare System Estimating Conference, the Occupational Forecasting Conference, the *Child Development Programs School Readiness Program* Estimating Conference, the Self-Insurance Estimating Conference, the Florida Retirement System Actuarial Assumption Conference, and the Social Services Estimating Conference.

Section 8. Effective July 1, 2004, subsection (10) of section 216.136, Florida Statutes, is amended to read:

216.136 Consensus estimating conferences; duties and principals.—

(10) *CHILD DEVELOPMENT PROGRAMS SCHOOL READINESS PROGRAM* ESTIMATING CONFERENCE.—

(a) Duties.—

1. The *Child Development Programs School Readiness Program* Estimating Conference shall develop estimates and forecasts of the unduplicated count of children eligible for school readiness programs in accordance with the standards of eligibility established in s. 411.01(6), and of children eligible for the *Voluntary Prekindergarten Education Program* in accordance with s. 1002.53(2), as the conference determines are needed to support the state planning, budgeting, and appropriations processes.

2. The *Agency for Workforce Innovation Florida Partnership for School Readiness* shall provide information on needs and waiting lists for school readiness programs as program services requested by the *Child Development Programs School Readiness Program* Estimating Conference or individual conference principals in a timely manner.

3. The *Department of Education* shall provide information on needs for the *Voluntary Prekindergarten Education Program* as requested by the *Child Development Programs Estimating Conference* or individual conference principals in a timely manner.

(b) Principals.—The Executive Office of the Governor, the Director of Economic and Demographic Research, and professional staff who have forecasting expertise from the *Florida Partnership for School Readiness*, the *Agency for Workforce Innovation*, the *Department of Children and Family Services*, the *Department of Education*, the *Senate*, and the *House of Representatives*, or their designees, are the principals of the *Child Development Programs School Readiness Program* Estimating Conference. The principal representing the Executive Office of the Governor shall preside over sessions of the conference.

Section 9. Section 402.265, Florida Statutes, is created to read:

402.265 *Unauthorized transfers.*—Notwithstanding any other law to the contrary, the *Department of Children and Family Services* may not transfer to the *Department of Education*, through an interagency agreement or through any other means, any of the department’s powers, duties, functions, rules, records, personnel, property, or unexpended balances of appropriations, allocations, or other funds, any of which have been or which may be authorized for the *Child Care Services Program Office* or for administration of ss. 402.25-402.319, without specific legislative authority by express reference to this section.

Section 10. Effective July 1, 2004, section 402.3016, Florida Statutes, is amended to read:

402.3016 Early Head Start collaboration grants.—

(1) Contingent upon specific appropriations, the *Agency for Workforce Innovation Florida Partnership for School Readiness* shall establish a program to award collaboration grants to assist local agencies in securing Early Head Start programs through Early Head Start program federal grants. The collaboration grants shall provide the required matching funds for public and private nonprofit agencies that have been approved for Early Head Start program federal grants.

(2) Public and private nonprofit agencies providing Early Head Start programs applying for collaborative grants must:

(a) Ensure quality performance by meeting the requirements in the Head Start program performance standards and other applicable rules and regulations;

(b) Ensure collaboration with other service providers at the local level; and

(c) Ensure that a comprehensive array of health, nutritional, and other services are provided to the program’s pregnant women and very young children, and their families.

(3) The *Agency for Workforce Innovation partnership* shall report to the Legislature on an annual basis the number of agencies receiving Early Head Start collaboration grants and the number of children served.

(4) The *Agency for Workforce Innovation partnership* may adopt rules under s. 120.536(1) and s. 120.54 as necessary for the award of collaboration grants to competing agencies and the administration of the collaboration grants program under this section.

Section 11. Effective, July 1, 2004, section 411.011, Florida Statutes, is amended to read:

411.011 Records of children in school readiness programs.—The individual records of children enrolled in school readiness programs provided under s. 411.01, when held in the possession of the *regional child development board school readiness coalition* or the *Agency for Workforce Innovation Florida Partnership for School Readiness*, are confidential and exempt from the provisions of s. 119.07 and s. 24(a), Art. I of the State Constitution. For the purposes of this section, records include assessment data, health data, records of teacher observations, and identifying data, including the child’s social security number. A parent, guardian, or individual acting as a parent in the absence of a parent or guardian has the right to inspect and review the individual school readiness program record of his or her child and to obtain a copy of the record. School readiness records may be released to the United States Secretary of Education, the United States Secretary of Health and Human Services, and the Comptroller General of the United States for the purpose of federal audits; to individuals or organizations conducting studies for institutions to develop, validate, or administer assessments or improve instruction; to accrediting organizations in order to carry out their accrediting functions; to appropriate parties in connection with an emergency if the information is necessary to protect the health or safety of the student or other individuals; to the Auditor General in connection with his or her official functions; to a court of competent jurisdiction in compliance with an order of that court in accordance with pursuant to a lawfully issued subpoena; and to parties to an interagency agreement among *regional child development boards school readiness coalitions*, local governmental agencies, providers of school readiness programs, state agencies, and the *Agency for Workforce Innovation Florida Partnership for School Readiness* for the purpose of implementing the school readiness program. Agencies, organizations, or individuals that receive

school readiness records in order to carry out their official functions must protect the data in a manner that *does will* not permit the personal identification of students and their parents by persons other than those authorized to receive the records. This section is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15 and shall stand repealed on October 2, 2005, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 12. Effective July 1, 2004, paragraph (e) of subsection (2) of section 411.226, Florida Statutes, is amended to read:

411.226 Learning Gateway.—

(2) LEARNING GATEWAY STEERING COMMITTEE.—

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

Section 13. Effective July 1, 2004, paragraph (d) of subsection (1), paragraph (a) of subsection (2), and paragraph (c) of subsection (3) of section 411.227, Florida Statutes, are amended to read:

411.227 Components of the Learning Gateway.—The Learning Gateway system consists of the following components:

(1) COMMUNITY EDUCATION STRATEGIES AND FAMILY-ORIENTED ACCESS.—

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

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

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

(2) SCREENING AND DEVELOPMENTAL MONITORING.—

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

(3) EARLY EDUCATION, SERVICES AND SUPPORTS.—

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

Section 14. Effective July 1, 2004, paragraph (a) of subsection (2) of section 624.91, Florida Statutes, is amended to read:

624.91 The Florida Healthy Kids Corporation Act.—

(2) LEGISLATIVE INTENT.—

(a) The Legislature finds that increased access to health care services could improve children's health and reduce the incidence and costs of childhood illness and disabilities among children in this state. Many children do not have comprehensive, affordable health care services available. It is the intent of the Legislature that the Florida Healthy Kids Corporation provide comprehensive health insurance coverage to *these such* children. The corporation is encouraged to cooperate with any existing health service programs funded by the public or the private sector and to work cooperatively with the *Agency for Workforce Innovation Florida Partnership for School Readiness*.

Section 15. Subsection (1) of section 1001.23, Florida Statutes, is amended to read:

1001.23 Specific powers and duties of the Department of Education.—In addition to all other duties assigned to it by law or by rule of the State Board of Education, the department shall:

(1) Adopt the *statewide kindergarten school readiness uniform screening developed by the Florida Partnership for School Readiness*, in accordance with s. 1002.67 *the criteria itemized in chapter 1008*.

Section 16. Effective July 1, 2004, paragraph (d) of subsection (3) of section 1002.22, Florida Statutes, is amended to read:

1002.22 Student records and reports; rights of parents and students; notification; penalty.—

(3) RIGHTS OF PARENT OR STUDENT.—The parent of any student who attends or has attended any public school, area technical center, or public postsecondary educational institution shall have the following rights with respect to any records or reports created, maintained, and used by any public educational institution in the state. However, whenever a student has attained 18 years of age, or is attending a postsecondary educational institution, the permission or consent required of, and the rights accorded to, the parents of the student shall thereafter be required of and accorded to the student only, unless the student is a dependent student of such parents as defined in 26 U.S.C. s. 152 (s. 152 of the Internal Revenue Code of 1954). The State Board of Education shall adopt rules whereby parents or students may exercise these rights:

(d) Right of privacy.—Every student *has shall have* a right of privacy with respect to the educational records kept on him or her. Personally identifiable records or reports of a student, and any personal information contained therein, are confidential and exempt from the provisions of s. 119.07(1). No state or local educational agency, board, public school, technical center, or public postsecondary educational institution shall permit the release of *the such* records, reports, or information without the written consent of the student's parent, or of the student himself or herself if he or she is qualified as provided in this subsection, to any individual, agency, or organization. However, personally identifiable records or reports of a student may be released to the following persons or organizations without the consent of the student or the student's parent:

1. Officials of schools, school systems, technical centers, or public postsecondary educational institutions in which the student seeks or intends to enroll; and a copy of *the such* records or reports shall be furnished to the parent or student upon request.

2. Other school officials, including teachers within the educational institution or agency, who have legitimate educational interests in the information contained in the records.

3. The United States Secretary of Education, the Director of the National Institute of Education, the Assistant Secretary for Education,

the Comptroller General of the United States, or state or local educational authorities who are authorized to receive such information subject to the conditions set forth in applicable federal statutes and regulations of the United States Department of Education, or in applicable state statutes and rules of the State Board of Education.

4. Other school officials, in connection with a student's application for or receipt of financial aid.

5. Individuals or organizations conducting studies for or on behalf of an institution or a board of education for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction, if ~~the such~~ studies are conducted in ~~such~~ a manner ~~that does as will~~ not permit the personal identification of students and their parents by persons other than representatives of ~~the such~~ organizations and if ~~the such~~ information will be destroyed when no longer needed for the purpose of conducting ~~the such~~ studies.

6. Accrediting organizations, in order to carry out their accrediting functions.

7. ~~Regional child development boards School readiness coalitions and the Agency for Workforce Innovation Florida Partnership for School Readiness~~ in order to carry out their assigned duties.

8. For use as evidence in student expulsion hearings conducted by a district school board ~~under pursuant to the provisions of~~ chapter 120.

9. Appropriate parties in connection with an emergency, if knowledge of the information in the student's educational records is necessary to protect the health or safety of the student or other individuals.

10. The Auditor General and the Office of Program Policy Analysis and Government Accountability in connection with their official functions; however, except when the collection of personally identifiable information is specifically authorized by law, any data collected by the Auditor General and the Office of Program Policy Analysis and Government Accountability is confidential and exempt from ~~the provisions of~~ s. 119.07(1) and shall be protected in ~~such~~ a way ~~that does as will~~ not permit the personal identification of students and their parents by other than the Auditor General, the Office of Program Policy Analysis and Government Accountability, and their staff, and ~~the such~~ personally identifiable data shall be destroyed when no longer needed for the Auditor General's and the Office of Program Policy Analysis and Government Accountability's official use.

11.a. A court of competent jurisdiction in compliance with an order of that court or the attorney of record ~~in accordance with pursuant to~~ a lawfully issued subpoena, upon the condition that the student and the student's parent are notified of the order or subpoena in advance of compliance therewith by the educational institution or agency.

b. A person or entity pursuant to a court of competent jurisdiction in compliance with an order of that court or the attorney of record ~~in accordance with pursuant to~~ a lawfully issued subpoena, upon the condition that the student, or his or her parent if the student is either a minor and not attending a postsecondary educational institution or a dependent of such parent as defined in 26 U.S.C. s. 152 (s. 152 of the Internal Revenue Code of 1954), is notified of the order or subpoena in advance of compliance therewith by the educational institution or agency.

12. Credit bureaus, in connection with an agreement for financial aid that the student has executed, ~~if the provided that such~~ information ~~is may be~~ disclosed only to the extent necessary to enforce the terms or conditions of the financial aid agreement. Credit bureaus shall not release any information obtained ~~under pursuant to~~ this paragraph to any person.

13. Parties to an interagency agreement among the Department of Juvenile Justice, school and law enforcement authorities, and other signatory agencies for the purpose of reducing juvenile crime and especially motor vehicle theft by promoting cooperation and collaboration, and the sharing of appropriate information in a joint effort to improve school safety, to reduce truancy and in-school and out-of-school suspensions, and to support alternatives to in-school and out-of-school suspensions and expulsions that provide structured and well-supervised educational programs supplemented by a coordinated overlay of other appropriate services designed to correct behaviors that lead to truancy, suspensions, and expulsions, and that support students in successfully com-

pleting their education. Information provided in furtherance of ~~the such~~ interagency agreements is intended solely for use in determining the appropriate programs and services for each juvenile or the juvenile's family, or for coordinating the delivery of ~~the such~~ programs and services, and as such is inadmissible in any court proceedings ~~before prior~~ to a dispositional hearing unless written consent is provided by a parent or other responsible adult on behalf of the juvenile.

This paragraph does not prohibit any educational institution from publishing and releasing to the general public directory information relating to a student if the institution elects to do so. However, no educational institution shall release, to any individual, agency, or organization that is not listed in subparagraphs 1.-13., directory information relating to the student body in general or a portion thereof unless it is normally published for the purpose of release to the public in general. Any educational institution making directory information public shall give public notice of the categories of information that it has designated as directory information ~~for with respect to~~ all students attending the institution and shall allow a reasonable period of time after ~~the such~~ notice has been given for a parent or student to inform the institution in writing that any or all of the information designated should not be released.

Section 17. Paragraph (c) of subsection (3) of section 1003.54, Florida Statutes, is amended to read:

1003.54 Teenage parent programs.—

(3)

(c) Provision for necessary child care, health care, social services, parent education, and transportation shall be ancillary service components of teenage parent programs. Ancillary services may be provided through the coordination of existing programs and services and through joint agreements between district school boards and ~~regional child development boards local school readiness coalitions~~ or other appropriate public and private providers.

Section 18. *By January 15, 2005, the Department of Education, with the advice of the Florida Child Development Advisory Council created under section 1002.73, Florida Statutes, shall submit recommendations to the Legislature on professional development programs for the Voluntary Prekindergarten Education Program. The recommendations must comprise options for the professional development of prekindergarten directors, teachers, and child care personnel. The recommendations shall address curricula and appropriate delivery systems for the programs and shall consider the use of Internet-based applications for instruction or assessment. The recommendations must also include the estimated costs of the professional development programs, including nonrecurring start-up costs and recurring operational costs.*

Section 19. *Notwithstanding sections 216.162-216.168, Florida Statutes, and under section 216.351, Florida Statutes, the Governor shall submit to the Legislature, as part of the Governor's recommended budget for the 2005-2006 fiscal year, the Governor's annual cost projections for the Voluntary Prekindergarten Education Program for the 5-year period ending with the 2009-2010 fiscal year. The cost projections must be based upon the Governor's estimate of the number of children to be served annually in the Voluntary Prekindergarten Education Program, including annual estimates for the potential shift of children to the Voluntary Prekindergarten Education Program from school readiness programs provided under section 411.01, Florida Statutes.*

Section 20. (1) *Effective July 1, 2004, the Florida Partnership for School Readiness is abolished. All powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of the Florida Partnership for School Readiness are transferred, effective July 1, 2004, by a type two transfer, as defined in section 20.06(2), Florida Statutes, to the Agency for Workforce Innovation.*

(2) *This act does not abolish the school readiness coalitions but, effective July 1, 2004, redesignates the coalitions as regional child development boards and, effective January 1, 2005, requires a reduction in the number of boards. All powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of each school readiness coalition are not transferred but shall be retained by the coalition upon its redesignation as a regional child development board.*

Section 21. *Sections 411.012 and 1008.21, Florida Statutes, are repealed.*

Section 22. (1) *The sum of \$7 million in nonrecurring funds is appropriated from the General Revenue Fund to the Department of Education for implementation of the summer prekindergarten demonstration program under section 1002.61(5), Florida Statutes, during the 2003-2004 fiscal year, and for nonrecurring startup costs for the Voluntary Prekindergarten Education Program during fiscal year 2004-2005. The Department of Education may use any funds remaining after implementation of the summer prekindergarten demonstration program in accordance with the research design developed under section 1002.61(5)(b), Florida Statutes, for nonrecurring startup costs for the Voluntary Prekindergarten Education Program, subject to approval by the Legislative Budget Commission of the allocation among specific appropriation categories of funds for these nonrecurring startup costs.*

(2) *Notwithstanding section 1002.69, Florida Statutes, each demonstration district's allocation of funds appropriated under subsection (1) shall be based upon the district's student enrollment in the demonstration program. Each demonstration district's student enrollment in the demonstration program, and the demographic composition of the student enrollment, must be consistent with the research design developed under section 1002.61(5)(b), Florida Statutes. A full-time equivalent student in the summer prekindergarten demonstration program shall be 300 hours, and the base student allocation for the demonstration program shall be \$2,500 per full-time equivalent student. Each district's allocation per full-time equivalent student shall be calculated by multiplying the base student allocation by the district cost differential provided in section 1011.62(2), Florida Statutes.*

(3) *Each demonstration school must have at least one certified teacher for every 10 students in the demonstration program. As used in this subsection, the term "certified teacher" has the same meaning ascribed in section 1002.61(3), Florida Statutes.*

(4) *Each demonstration district must submit all information requested by the Department of Education for reporting and funding purposes.*

(5) *Any unexpended balance at the end of the 2003-2004 fiscal year from the funds appropriated under subsection (1) shall be certified forward to the 2004-2005 fiscal year and shall be used to continue implementation of the demonstration program during summer 2004.*

Section 23. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to early childhood education; creating part V of ch. 1002, F.S.; creating the Voluntary 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 Voluntary Prekindergarten Education Program; requiring the credential and course to provide training and resources containing strategies that maximize the program's benefits for students with disabilities and other special needs; 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; requiring the department to adopt procedures for the Voluntary Prekindergarten Education Program; authorizing interagency agreements for the integration of, and requiring interagency access to, certain databases; 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 regional child development boards to obtain certain health information before enrolling a child in the school readiness program; 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; directing the Agency for Workforce Innovation to adopt procedures for the merger of boards; 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; authorizing the boards to designate certified public accountants as fiscal agents; 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; specifying allocations for fiscal year 2004-2005; 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.; 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 Voluntary Prekindergarten Education Program; directing the Department of Education to provide certain information to the estimating conference; conforming provisions; creating s. 402.265, F.S.; prohibiting certain transfers without specific legislative authority; amending ss. 402.3016, 411.011, 411.226, 411.227, 624.91, 1001.23, 1002.22, and 1003.54, 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 prekindergarten education program and the school readiness uniform screening; providing appropriations; providing for the allocation of appropriations among certain school districts; requiring the Legislative Budget Commission to approve the allocation of certain appropriations; providing effective dates.

On motion by Senator Carlton, by two-thirds vote **HB 821** as amended was read the third time by title, 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

SPECIAL ORDER CALENDAR, continued

On motion by Senator Argenziano, by two-thirds vote **HB 599** was withdrawn from the Committees on Criminal Justice; and Judiciary.

On motion by Senator Argenziano—

HB 599—A bill to be entitled An act relating to dealing in stolen property; amending s. 812.022, F.S.; creating an inference that certain persons accepting used property knew or should have known that the property was stolen if the property conspicuously displays specified information; specifying actions such persons may take to avoid the inference; providing exceptions providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1380** and read the second time by title.

Senator Argenziano moved the following amendments which were adopted:

Amendment 1 (734094)—Lines 41 and 42, delete those lines and insert:

1. *Persons, entities, or transactions exempt from chapter 538.*

Amendment 2 (210476)(with title amendment)—Between lines 72 and 73, insert:

Section 2. Subsections (1) and (2) of section 812.014, Florida Statutes, are reenacted to read:

812.014 Theft.—

(1) A person commits theft if he or she knowingly obtains or uses, or endeavors to obtain or to use, the property of another with intent to, either temporarily or permanently:

- (a) Deprive the other person of a right to the property or a benefit from the property.
- (b) Appropriate the property to his or her own use or to the use of any person not entitled to the use of the property.

(2)(a)1. If the property stolen is valued at \$100,000 or more; or

2. If the property stolen is cargo valued at \$50,000 or more that has entered the stream of interstate or intrastate commerce from the shipper's loading platform to the consignee's receiving dock; or

3. If the offender commits any grand theft and:

a. In the course of committing the offense the offender uses a motor vehicle as an instrumentality, other than merely as a getaway vehicle, to assist in committing the offense and thereby damages the real property of another; or

b. In the course of committing the offense the offender causes damage to the real or personal property of another in excess of \$1,000,

the offender commits grand theft in the first degree, punishable as a felony of the first degree, as provided in s. 775.082, s. 775.083, or s. 775.084.

(b)1. If the property stolen is valued at \$20,000 or more, but less than \$100,000;

2. The property stolen is cargo valued at less than \$50,000 that has entered the stream of interstate or intrastate commerce from the shipper's loading platform to the consignee's receiving dock; or

3. The property stolen is emergency medical equipment, valued at \$300 or more, that is taken from a facility licensed under chapter 395 or from an aircraft or vehicle permitted under chapter 401,

the offender commits grand theft in the second degree, punishable as a felony of the second degree, as provided in s. 775.082, s. 775.083, or s. 775.084. Emergency medical equipment means mechanical or electronic apparatus used to provide emergency services and care as defined in s. 395.002(10) or to treat medical emergencies.

(c) It is grand theft of the third degree and a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the property stolen is:

1. Valued at \$300 or more, but less than \$5,000.
2. Valued at \$5,000 or more, but less than \$10,000.
3. Valued at \$10,000 or more, but less than \$20,000.
4. A will, codicil, or other testamentary instrument.
5. A firearm.
6. A motor vehicle, except as provided in paragraph (2)(a).
7. Any commercially farmed animal, including any animal of the equine, bovine, or swine class, or other grazing animal, and including aquaculture species raised at a certified aquaculture facility. If the property stolen is aquaculture species raised at a certified aquaculture facility, then a \$10,000 fine shall be imposed.
8. Any fire extinguisher.
9. Any amount of citrus fruit consisting of 2,000 or more individual pieces of fruit.
10. Taken from a designated construction site identified by the posting of a sign as provided for in s. 810.09(2)(d).

Florida Statute	Felony Degree	Description
11. Any stop sign.		
12. Anyhydrous ammonia.		
(d) It is grand theft of the third degree and a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the property stolen is valued at \$100 or more, but less than \$300, and is taken from a dwelling as defined in s. 810.011(2) or from the unenclosed curtilage of a dwelling pursuant to s. 810.09(1).	794.011(8)(a) 794.05(1) 800.04(5)(d)	3rd 2nd 3rd
(e) Except as provided in paragraph (d), if the property stolen is valued at \$100 or more, but less than \$300, the offender commits petit theft of the first degree, punishable as a misdemeanor of the first degree, as provided in s. 775.082 or s. 775.083.	800.04(6)(b) 806.031(2) 810.02(3)(c) 812.014(2)(b)1.	2nd 2nd 2nd 2nd
Section 3. Paragraphs (f), (g), and (h) of subsection (3) of section 921.0022, Florida Statutes, are amended to read: 921.0022 Criminal Punishment Code; offense severity ranking chart.—		
(3) OFFENSE SEVERITY RANKING CHART		
Florida Statute	Felony Degree	Description
		(f) LEVEL 6
316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
499.0051(3)	2nd	Forgery of pedigree papers.
499.0051(4)	2nd	Purchase or receipt of legend drug from unauthorized person.
499.0051(5)	2nd	Sale of legend drug to unauthorized person.
775.0875(1)	3rd	Taking firearm from law enforcement officer.
775.21(10)	3rd	Sexual predators; failure to register; failure to renew driver's license or identification card.
784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.
784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.
784.041	3rd	Felony battery.
784.048(3)	3rd	Aggravated stalking; credible threat.
784.048(5)	3rd	Aggravated stalking of person under 16.
784.07(2)(c)	2nd	Aggravated assault on law enforcement officer.
784.074(1)(b)	2nd	Aggravated assault on sexually violent predators facility staff.
784.08(2)(b)	2nd	Aggravated assault on a person 65 years of age or older.
784.081(2)	2nd	Aggravated assault on specified official or employee.
784.082(2)	2nd	Aggravated assault by detained person on visitor or other detainee.
784.083(2)	2nd	Aggravated assault on code inspector.
787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
790.115(2)(d)	2nd	Discharging firearm or weapon on school property.
790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
790.164(1)	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.
790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
		812.014(2)(b)2.
		812.015(9)
		812.13(2)(c)
		817.034(4)(a)1.
		817.4821(5)
		825.102(1)
		825.102(3)(c)
		825.1025(3)
		825.103(2)(c)
		827.03(1)
		827.03(3)(c)
		827.071(2)&(3)
		836.05
		836.10
		843.12
		847.0135(3)
		914.23
		943.0435(9)
		944.35(3)(a)2.
		944.40
		944.46
		944.47(1)(a)5.
		951.22(1)
		812.014(2)(b)2.
		2nd
		Property stolen; cargo valued at less than \$50,000, grand theft in 2nd degree.
		2nd
		Retail theft; property stolen \$300 or more; second or subsequent conviction.
		Robbery, no firearm or other weapon (strong-arm robbery).
		Communications fraud, value greater than \$50,000.
		Possess cloning paraphernalia with intent to create cloned cellular telephones.
		Abuse of an elderly person or disabled adult.
		Neglect of an elderly person or disabled adult.
		Lewd or lascivious molestation of an elderly person or disabled adult.
		Exploiting an elderly person or disabled adult and property is valued at less than \$20,000.
		Abuse of a child.
		Neglect of a child.
		Use or induce a child in a sexual performance, or promote or direct such performance.
		Threats; extortion.
		Written threats to kill or do bodily injury.
		Aids or assists person to escape.
		Solicitation of a child, via a computer service, to commit an unlawful sex act.
		Retaliation against a witness, victim, or informant, with bodily injury.
		Sex offenders; failure to comply with reporting requirements.
		Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
		Escapes.
		Harboring, concealing, aiding escaped prisoners.
		Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
		Intoxicating drug, firearm, or weapon introduced into county facility.

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
		(g) LEVEL 7			
316.027(1)(b)	2nd	Accident involving death, failure to stop; leaving scene.	782.071	2nd	Killing of human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.			
402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.	784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
			784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
409.920(2)	3rd	Medicaid provider fraud.	784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
456.065(2)	3rd	Practicing a health care profession without a license.	784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.
456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.	784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
458.327(1)	3rd	Practicing medicine without a license.	784.074(1)(a)	1st	Aggravated battery on sexually violent predators facility staff.
459.013(1)	3rd	Practicing osteopathic medicine without a license.	784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
460.411(1)	3rd	Practicing chiropractic medicine without a license.	784.081(1)	1st	Aggravated battery on specified official or employee.
461.012(1)	3rd	Practicing podiatric medicine without a license.	784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
462.17	3rd	Practicing naturopathy without a license.	784.083(1)	1st	Aggravated battery on code inspector.
463.015(1)	3rd	Practicing optometry without a license.	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
464.016(1)	3rd	Practicing nursing without a license.	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
465.015(2)	3rd	Practicing pharmacy without a license.	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
467.201	3rd	Practicing midwifery without a license.	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
468.366	3rd	Delivering respiratory care services without a license.	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.	796.03	2nd	Procuring any person under 16 years for prostitution.
483.901(9)	3rd	Practicing medical physics without a license.	800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.	800.04(5)(c)2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.
484.053	3rd	Dispensing hearing aids without a license.	806.01(2)	2nd	Maliciously damage structure by fire or explosive.
494.0018(2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.	810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by money transmitter.	810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
560.125(5)(a)	3rd	Money transmitter business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.	810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.	812.014(2)(a)1.	1st	Property stolen, valued at \$100,000 or more; cargo stolen valued at \$50,000 or more ; property stolen while causing other property damage; 1st degree grand theft.
782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.	812.014(2)(b)2.	2nd	<i>Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.</i>
782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).			

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
812.014(2)(b)3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.	893.135 (1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
812.0145(2)(a)	1st	Theft from person 65 years of age or older; \$50,000 or more.	893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traf-fics in stolen property.	893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
812.131(2)(a)	2nd	Robbery by sudden snatching.	893.135 (1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.	893.135 (1)(h)1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
817.234(8)(a)	2nd	Solicitation of motor vehicle accident vic-tims with intent to defraud.	893.135 (1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
817.234(9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.	893.135 (1)(k)2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
817.234(11)(c)	1st	Insurance fraud; property value \$100,000 or more.	896.101(5)(a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
817.2341(2)(b)& (3)(b)	1st	Making false entries of material fact or false statements regarding property val-ues relating to the solvency of an insur-ing entity which are a significant cause of the insolvency of that entity.	896.104(4)(a)1.	3rd	Structuring transactions to evade report-ing or registration requirements, finan-cial transactions exceeding \$300 but less than \$20,000.
825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disabili-ty, or disfigurement.	316.193 (3)(c)3.a.	2nd	DUI manslaughter.
825.103(2)(b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.	327.35(3)(c)3.	2nd	Vessel BUI manslaughter.
827.03(3)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.	499.0051(7)	1st	Forgery of prescription or legend drug la-bels.
827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.	499.0052	1st	Trafficking in contraband legend drugs.
837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement offi-cer.	560.123(8)(b)2.	2nd	Failure to report currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000 by money transmitter.
838.015	2nd	Bribery.	560.125(5)(b)	2nd	Money transmitter business by unautho-rized person, currency or payment in-struments totaling or exceeding \$20,000, but less than \$100,000.
838.016	2nd	Unlawful compensation or reward for of-ficial behavior.	655.50(10)(b)2.	2nd	Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.
838.021(3)(a)	2nd	Unlawful harm to a public servant.	777.03(2)(a)	1st	Accessory after the fact, capital felony.
838.22	2nd	Bid tampering.	782.04(4)	2nd	Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, rob-bery, burglary, kidnapping, aircraft pi-racy, or unlawfully discharging bomb.
872.06	2nd	Abuse of a dead human body.	782.051(2)	1st	Attempted felony murder while perpe-trating or attempting to perpetrate a fel-ony not enumerated in s. 782.04(3).
893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility, school, or state, county, or mu-nicipal park or publicly owned recre-ational facility or community center.	782.071(1)(b)	1st	Committing vehicular homicide and fail-ing to render aid or give information.
893.13(1)(e)1.	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., within 1,000 feet of property used for religious services or a specified business site.	782.072(2)	1st	Committing vessel homicide and failing to render aid or give information.
893.13(4)(a)	1st	Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).	790.161(3)	1st	Discharging a destructive device which results in bodily harm or property dam-age.
893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.	794.011(5)	2nd	Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.
893.135 (1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.	800.04(4)	2nd	Lewd or lascivious battery.
893.135 (1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.			

Florida Statute	Felony Degree	Description
806.01(1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
810.02(2)(a)	1st,PBIBurglary	Burglary with assault or battery.
810.02(2)(b)	1st,PBIBurglary	Burglary; armed with explosives or dangerous weapon.
810.02(2)(c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
812.014(2)(a)2.	1st	<i>Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.</i>
812.13(2)(b)	1st	Robbery with a weapon.
812.135(2)	1st	Home-invasion robbery.
817.568(6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
825.102(2)	2nd	Aggravated abuse of an elderly person or disabled adult.
825.1025(2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
825.103(2)(a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.
837.02(2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
837.021(2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
860.121(2)(c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
860.16	1st	Aircraft piracy.
893.13(1)(b)	1st	Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
893.13(2)(b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
893.135 (1)(b)1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
893.135 (1)(c)1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
893.135 (1)(d)1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
893.135 (1)(e)1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
893.135 (1)(f)1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
893.135 (1)(g)1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
893.135 (1)(h)1.b.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
893.135 (1)(j)1.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.

Florida Statute	Felony Degree	Description
893.135 (1)(k)2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
895.03(1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
895.03(2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
895.03(3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
896.101(5)(b)	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.
896.104(4)(a)2.	2nd	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$20,000 but less than \$100,000.

(Redesignate subsequent sections.)

And the title is amended as follows:

On line 7, after “exceptions” insert: reenacting s. 812.014(1) and (2), F.S., relating to theft; amending s. 921.0022, F.S.; reclassifying the offenses of cargo theft of the first degree and cargo theft of the second degree under the offense severity ranking chart of the Criminal Punishment Code to increase the penalties imposed for any such offense; amending s. 812.022, F.S.; creating an inference that a dealer in used property knew or should have known that he or she possessed stolen property if it is proved that the dealer possessed stolen property upon which a name and phone number are conspicuously displayed; providing that the dealer avoids the inference by meeting specified requirements for verifying that the property was not stolen; specifying records that constitute sufficient evidence to avoid the inference; providing exceptions to the application of the act;

Pursuant to Rule 4.19, **HB 599** as amended was placed on the calendar of Bills on Third Reading.

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

CS for CS for SB 354—A bill to be entitled An act relating to public school educational instruction; creating s. 1003.415, F.S.; providing the popular name the “Middle Grades Reform Act”; providing purpose and intent; defining the term “middle grades”; requiring a review and recommendations relating to curricula and courses; requiring implementation of new or revised reading and language arts courses; providing for implementation of a rigorous reading requirement in certain schools; requiring the Department of Education to provide technical assistance; requiring a study of the academic performance of middle grade students and schools with recommendations for an increase in performance; requiring a personalized middle school success plan for certain students; providing authority for State Board of Education rulemaking and enforcement; amending s. 1001.42, F.S.; requiring a school improvement plan to include the rigorous reading requirement if applicable; amending s. 1008.25, F.S.; requiring a personalized middle school success plan to be incorporated in a student’s academic improvement plan if applicable; amending s. 1012.34, F.S.; revising assessment criteria for instructional personnel; providing an effective date.

—which was previously considered this day.

POINT OF ORDER DISPOSITION

Pending point of order by Senator Bennett and pending **Amendment 2 (241868)** by Senator Constantine were withdrawn.

Pursuant to Rule 4.19, **CS for CS for SB 354** was placed on the calendar of Bills on Third Reading.

MOTION

On motion by Senator Fasano, the House was requested to return **SB 1622**.

THE PRESIDENT PRESIDING

SENATOR WEBSTER PRESIDING

LOCAL BILL CALENDAR

SB 2318—A bill to be entitled An act relating to the City of New Smyrna Beach, Volusia County; authorizing the City of New Smyrna Beach to provide extra benefits in firefighter pension plans prior to the receipt of additional premium tax revenues; providing a procedure; authorizing the City of New Smyrna Beach to provide extra benefits in police officer pension plans prior to the receipt of additional premium tax revenues; providing a procedure; providing an effective date.

—was read the second time by title.

Senator Lynn moved the following amendments which were adopted:

Amendment 1 (420088)—On page 2, line 6, delete “*with interest*”

Amendment 2 (551928)—On page 2, lines 8-11, delete those lines.

Amendment 3 (183490)—On page 3, line 8, delete “*with interest*”

Amendment 4 (114466)—On page 3, lines 10-14, delete those lines and insert: *In no event shall the City of New Smyrna Beach*

Amendment 5 (624430)(with title amendment)—On page 3, lines 19 and 20, delete those lines and insert:

Section 3. This act shall take effect upon approval by a majority vote of those qualified electors voting in a referendum to be held by the City of New Smyrna Beach on August 31, 2004, except that this section shall take effect upon becoming a law.

And the title is amended as follows:

On page 1, delete line 11 and insert: procedures; requiring a referendum; providing effective dates.

On motion by Senator Lynn, by two-thirds vote **SB 2318** as amended was read the third time by title, passed, ordered engrossed and then 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 2862—A bill to be entitled An act relating to the Lake Region Lakes Management District, Polk County; codifying, reenacting, and amending the district’s special acts; specifying purpose and territorial boundaries of the district; providing for election of a board of commissioners; providing powers and duties of the board; providing oath of office; providing for filling of vacancies; providing for compensation of the board; providing for officers; providing for levy of ad valorem taxes by the district; specifying duties of county and state officers; providing

for collection of taxes; authorizing the district to obtain loans with maturities of up to 5 years for purposes of paying other outstanding indebtedness, meeting extraordinary expenses, funding temporary budget deficits, or implementing the general powers and authority of the district board of commissioners; providing for issuance of revenue bonds, general obligation bonds, and other indebtedness; providing for refunding bonds; providing for planning; providing for certain disclosures and notices; providing for liability insurance; specifying use of tax receipts and bond proceeds; providing for a district manager; providing for rules regulating the use of district property; prohibiting certain discharges into waters or interference with waters; providing penalties; providing qualifications of electors; providing severability; providing for dissolution and amendment; limiting extra-territorial authority of the district; providing for immunity from liability; repealing chapters 8378 (1919), 23491 (1945), 31189 (1955), 65-2134, 84-517, 90-499, 97-344, and 2000-407, Laws of Florida, relating to the district; providing an effective date.

—was read the second time by title. On motion by Senator Alexander, by two-thirds vote **SB 2862** was read the third time by title, 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 3110—A bill to be entitled An act relating to Hardee County; creating the Hardee County Economic Development Authority; providing a purpose; providing definitions; providing for composition and procedures; providing powers; providing for an office and staffing, including legal assistance and reimbursement to the county therefor; providing that the Chief Financial Officer transfer certain funds levied as an excise tax upon the severance of phosphate rock to the authority; providing duties for the Clerk of the Circuit Court; providing for grants, including application, review, and awards; providing severability; providing an effective date.

—was read the second time by title.

The Committee on Finance and Taxation recommended the following amendment which was moved by Senator Alexander and adopted:

Amendment 1 (205674)—On page 1, line 27, delete “*fun*” and insert: *fund*

On motion by Senator Alexander, by two-thirds vote **SB 3110** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40

Mr. President	Cowin	Klein
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

Siplin	Wasserman Schultz	Wilson
Smith	Webster	Wise
Villalobos		

Nays—None

Wasserman Schultz	Wilson	Wise
Webster		

Nays—None

Consideration of **SB 3122** was deferred.

SB 3172—A bill to be entitled An act relating to Broward County; amending chapter 2001-289, Laws of Florida; authorizing local governments in the county to grant an exemption from impact fees for transportation facilities for certain developments; providing an effective date.

—was read the second time by title. On motion by Senator Campbell, by two-thirds vote **SB 3172** was read the third time by title, 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 3182—A bill to be entitled An act relating to Broward County; amending chapter 2000-461, Laws of Florida, relating to the Children’s Services Council of Broward County; increasing the membership of the council; revising the requirements concerning delivery of the written budget to Broward County; revising procedures concerning levying of ad valorem taxes; requiring interlocal agreements between the council and applicable community redevelopment agencies; providing expenditure authority and procedures for budgeted funds up to \$5,000; authorizing expenditures by electronic wire transfers under specified procedures; providing an effective date.

—was read the second time by title.

Senator Campbell moved the following amendment which was adopted:

Amendment 1 (185562)—In title, on page 1, lines 9-11, delete those lines and insert: of ad valorem taxes; providing

On motion by Senator Campbell, by two-thirds vote **SB 3182** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40

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

SB 3188—A bill to be entitled An act relating to the North Lauderdale Water Control District, Broward County; amending, reenacting, repealing, and codifying chapters 97-370, 94-428, 85-385, 82-273, and 63-661, Laws of Florida, relating to the North Lauderdale Water Control District; revising district boundaries; revising the powers of the district, to provide that the district may borrow money at a rate not exceeding that which is provided by law; providing that the members of the board of supervisors shall be the “city commission,” rather than the “city council,” of the City of North Lauderdale and that a board chair and vice chair shall be elected at each annual meeting and as necessary to fill vacancies; providing meeting notice requirements and requiring that meetings be held at a public place; providing that the City Clerk of the City of North Lauderdale shall serve as the district secretary; providing for reimbursement of supervisors for travel expenses pursuant to section 112.061, Florida Statutes; providing that the interest rate on bonds issued by the board not exceed the maximum rate allowed by law; providing that the interest rates on tax anticipation notes issued by the board shall not exceed the maximum rate allowed by law; deleting provision relating to payment of taxes not authorized in advance; providing for the use of non-ad valorem assessments; updating references to chapter 298, Florida Statutes; providing for severability; providing an effective date.

—was read the second time by title. On motion by Senator Campbell, by two-thirds vote **SB 3188** was read the third time by title, 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 3202—A bill to be entitled An act relating to the South Broward Hospital District, Broward County; providing for codification of special laws regarding special districts pursuant to section 189.429, Florida Statutes, relating to South Broward Hospital District, an independent special tax district in Broward County; providing legislative intent; codifying, repealing, amending, and reenacting chapters 24415 (1947), 59-1125, 59-1126, 59-1128, 61-1925, 61-1932, 61-1935, 63-1180, 65-1296, 65-1339, 67-1164, 69-910, 70-618, 71-566, 71-577, 72-494, 74-436, 74-450, 75-346, 75-349, 76-337, 76-339, 79-431, 80-459, 80-466, 80-467, 80-469, 81-351, 82-269, 83-378, 84-400, 90-488, and 99-423, Laws of Florida; providing district boundaries; providing for a board of commissioners; providing powers, functions, and duties of the district and its board of commissioners; providing a district charter; providing for liberal construction; providing a saving clause in the event any provision of the act is deemed invalid; providing an effective date.

—was read the second time by title. On motion by Senator Campbell, by two-thirds vote **SB 3202** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Argenziano	Atwater
Alexander	Aronberg	Bennett

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

Nays—None

HB 401—A bill to be entitled An act relating to Escambia County; amending chapter 2001-324, Laws of Florida; changing the name of the Escambia County Utilities Authority; providing an effective date.

—was read the second time by title. On motion by Senator Clary, by two-thirds vote **HB 401** was read the third time by title, 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

HB 403—A bill to be entitled An act relating to the Southern Manatee Fire and Rescue District, Manatee County; amending chapter 2000-402, Laws of Florida; conforming the district's charter to ch. 191, F.S., relating to impact fees; providing an effective date.

—was read the second time by title. On motion by Senator Carlton, by two-thirds vote **HB 403** was read the third time by title, 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

HB 413—A bill to be entitled An act relating to the Parrish Fire District, Manatee County; codifying the district's charter; providing

boundaries; providing for a board of fire commissioners; providing for elections; providing for filling of vacancies; providing authority to levy non-ad valorem assessments; providing for liens; providing for public hearings; providing for deposit of funds; providing for use of funds; providing borrowing power of the district; providing authority and power to acquire certain property; providing duties of the board of fire commissioners; providing authority to employ qualified personnel; providing for financial reporting; providing for existence of the district; providing definitions; providing for impact fees; providing a schedule of non-ad valorem assessments; providing severability; providing for liberal construction; amending chapter 93-352, Laws of Florida; removing a reference to the district; repealing chapters 82-325, 85-451, 89-515, 90-458, 91-409, 94-373, 95-501, and 02-335, Laws of Florida, relating to the district; providing an effective date.

—was read the second time by title. On motion by Senator Carlton, by two-thirds vote **HB 413** was read the third time by title, 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

HB 449—A bill to be entitled An act relating to the Sarasota-Manatee Airport Authority; amending chapter 2003-309, Laws of Florida, to provide that a member of the authority whose previous service does not exceed 6 consecutive years may be reappointed for an additional 4-year term as long as such reappointment will not result in the member's serving more than 10 consecutive years; providing an effective date.

—was read the second time by title. On motion by Senator Carlton, by two-thirds vote **HB 449** was read the third time by title, 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

HB 465—A bill to be entitled An act relating to Haines City Water Control District, Polk County; codifying the district's charter pursuant to section 189.429, Florida Statutes; providing legislative intent; amending, codifying, repealing, and reenacting all special acts relating to Haines City Water Control District as a single act; repealing chapters 13649 (1929) 14517 (1929), Laws of Florida, relating to the Haines City Water Control District; providing an effective date.

—was read the second time by title. On motion by Senator Dockery, by two-thirds vote **HB 465** was read the third time by title, 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

HB 489—A bill to be entitled An act relating to the Pinellas County Construction Licensing Board; amending s. 11, chapter 75-489, Laws of Florida, as amended; providing that certain definitions in general law which relate to contracting also apply to the board; providing that specified definitions in chapter 75-489, Laws of Florida, as amended, shall remain as rules of the board, subject to amendment by it; providing for severability; providing an effective date.

—was read the second time by title. On motion by Senator Jones, by two-thirds vote **HB 489** was read the third time by title, 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

HB 601—A bill to be entitled An act relating to Palm Beach County; amending chapter 93-367, Laws of Florida, as amended; revising provisions relating to employees of the Palm Beach County Sheriff; revising the definition of “career service employee” and providing restrictions for reduction in rank of certain employees; providing applicability; specifying rights of such employees; revising procedures for appeal of disciplinary actions and complaints against employees; revising provisions for the appointment of boards to hear appeals and procedures with respect thereto; revising provisions relating to monetary emoluments based on performance; providing an effective date.

—was read the second time by title. On motion by Senator Aronberg, by two-thirds vote **HB 601** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Aronberg	Bullard
Alexander	Atwater	Campbell
Argenziano	Bennett	Carlton

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

Nays—None

HB 625—A bill to be entitled An act relating to the Charlotte County Airport Authority; amending chapter 98-508, Laws of Florida; revising and providing definitions; providing for compensation and travel expenses; providing for meetings of the authority; revising powers of the authority; providing for the authority to borrow money, incur debt, and issue bonds; providing for terms of bonds; providing for fixing and collecting rent; providing methods for expending funds; providing an effective date.

—was read the second time by title. On motion by Senator Aronberg, by two-thirds vote **HB 625** was read the third time by title, 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

HB 629—A bill to be entitled An act relating to the Daytona Beach Downtown Development Authority, Volusia County; codifying, amending, reenacting, and repealing the authority’s special acts; providing a popular name; providing definitions; providing legislative findings; providing boundaries; providing for supervision, appointment, removal, terms, qualifications, compensation, and filling of vacancies on the authority; providing for functions and powers of the authority; providing for ad valorem taxation; providing for board records and fiscal management; providing for issuance of certificates; providing for elections; providing for millage limitations; providing for special assessments; providing for liberal construction; providing an effective date.

—was read the second time by title. On motion by Senator Lynn, by two-thirds vote **HB 629** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Clary	Geller
Alexander	Constantine	Haridopolos
Argenziano	Cowin	Hill
Aronberg	Crist	Jones
Atwater	Dawson	Klein
Bennett	Diaz de la Portilla	Lawson
Bullard	Dockery	Lee
Campbell	Fasano	Lynn
Carlton	Garcia	Margolis

Miller	Sebesta	Wasserman Schultz
Peaden	Siplin	Webster
Posey	Smith	Wilson
Pruitt	Villalobos	Wise

Nays—None

HB 631—A bill to be entitled An act relating to the St. Lucie County Fire District; providing for codification of special laws relating to the St. Lucie County Fire District; providing legislative intent; amending, codifying, and reenacting all prior special acts; providing for incorporation as a special fire control district; providing district boundaries; providing for a governing board; providing for district books and audits; providing for district depositories and use of funds; providing for gifts, purchases, and loans; providing for records and adoption of rules; providing for annual reports; providing for rights under civil service and retirement laws; providing for millage and taxes; providing for non-ad valorem assessments and impact fees; providing for payment of expenses; providing for a fire chief; providing for a clerk-treasurer; providing for insurance for employees and retirees; providing for limitations to actions arising out of tort or negligence; providing for removal of fire hazards and enforcement of liens; providing for miscellaneous provisions; repealing chapters 96-532 and 97-356, Laws of Florida; providing an effective date.

—was read the second time by title. On motion by Senator Pruitt, by two-thirds vote **HB 631** was read the third time by title, 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

HB 711—A bill to be entitled An act relating to the St. Lucie County Erosion District; providing for codification of special laws relating to the district; amending, codifying, reenacting, and repealing all prior special acts; preserving current authority; providing definitions; providing the board of the district shall be the St. Lucie County Commission; providing for meetings and applicability of ch. 189, F.S.; providing district powers; providing that employees of the district shall be considered employees of St. Lucie County; providing that contracts for services, supplies, and materials shall be entered into as provided by the charter and general law; providing district board authorization to amend, abolish, or consolidate existing district zone boundaries and determine benefits for the purpose of levying ad valorem taxes; providing district board authorization to levy and collect non-ad valorem assessments; providing district board authorization for issuance of bonds pursuant to general law and this act; providing that the purchase of commodities and services shall be in accordance with the purchasing policies of St. Lucie County; providing for severability; repealing chapters 67-2001 and 97-354, Laws of Florida; providing an effective date.

—was read the second time by title. On motion by Senator Pruitt, by two-thirds vote **HB 711** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Argenziano	Atwater
Alexander	Aronberg	Bennett

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

Nays—None

HB 733—A bill to be entitled An act relating to the Loxahatchee Groves Water Control District, Palm Beach County; amending chapter 99-425, Laws of Florida; amending the district's election procedures; clarifying that the power of the district with respect to roadways and roads is not limited to roads shown on the replat of Loxahatchee Groves and clarifying that the levying of assessments by the district is pursuant to chapter 298, Florida Statutes, or this act; eliminating references to other types of assessments; providing a procedure for the dedication of roads to the district; amending the permitting of culverts, other drainage systems, bridges, or culvert crossings; providing procedures when such bridges or culvert crossings restrict the normal conveyance of water within the district's canals; providing that special assessments are not limited to roads and roadways but may be levied for district improvements; providing that the issuance of special assessment bonds are not limited to roads and roadways but may be used for district improvements; providing an effective date.

—was read the second time by title. On motion by Senator Pruitt, by two-thirds vote **HB 733** was read the third time by title, 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

HB 749—A bill to be entitled An act relating to the City of Jacksonville, Duval County; amending chapter 92-341, Laws of Florida, as amended; amending the Charter of the City of Jacksonville; establishing a Correctional Officers Pension Fund within the City of Jacksonville's 1937 General Employee's Pension Fund and an additional funding source for pension benefits for correctional officers of the Office of the Sheriff; providing an effective date.

—was read the second time by title. On motion by Senator Wise, by two-thirds vote **HB 749** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Bennett	Constantine
Alexander	Bullard	Cowin
Argenziano	Campbell	Crist
Aronberg	Carlton	Dawson
Atwater	Clary	Diaz de la Portilla

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

Nays—None

HB 771—A bill to be entitled An act relating to Columbia County; providing for career service for members of the Columbia County Sheriff's Office; providing for application of the act, career status of members, and administration; providing for a procedure with respect to complaints against members; providing for appeals; providing for certain protections during the transition of a new Sheriff; providing for a Career Service Appeal Board; providing for status as career members; prohibiting certain actions to circumvent the act; providing for exclusions; providing severability; providing an effective date.

—was read the second time by title. On motion by Senator Argenziano, by two-thirds vote **HB 771** was read the third time by title, 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

HB 785—A bill to be entitled An act relating to Hillsborough County; authorizing the waiver of payment and performance bonds for the construction of a public building, for the prosecution and completion of a public work, or for repairs upon a public building or public work when the cost of the project is \$500,000 or less and the contract for the construction, completion, or repair is awarded pursuant to an economic development program established to encourage local small businesses to participate in county procurement programs; providing for a committee to determine suitable projects; providing requirements for the economic development program for local small businesses; providing procedures for waiver of the payment and performance bond; requiring a report; providing for repeal of the act; providing an effective date.

—was read the second time by title. On motion by Senator Miller, by two-thirds vote **HB 785** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Clary	Geller
Alexander	Constantine	Haridopolos
Argenziano	Cowin	Hill
Aronberg	Crist	Jones
Atwater	Dawson	Klein
Bennett	Diaz de la Portilla	Lawson
Bullard	Dockery	Lee
Campbell	Fasano	Lynn
Carlton	Garcia	Margolis

Miller	Sebesta	Wasserman Schultz
Peaden	Siplin	Webster
Posey	Smith	Wilson
Pruitt	Villalobos	Wise
Saunders		
Nays—None		

HB 817—A bill to be entitled An act relating to Spring Lake Improvement District, Highlands County; providing for codification of special laws relating to the Spring Lake Improvement District, a special tax district; providing legislative intent; codifying, reenacting, and amending chapters 71-669, 77-563, 88-461, and 90-434, Laws of Florida; providing for minimum charter requirements; providing for provision of other laws made applicable; repealing chapters 71-669, 77-563, 88-461, and 90-434, Laws of Florida; providing for severability; providing an effective date.

—was read the second time by title. On motion by Senator Alexander, by two-thirds vote **HB 817** was read the third time by title, 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

HB 823—A bill to be entitled An act relating to the Lakeland Downtown Development Authority; codifying, amending, repealing, and reenacting special acts relating to the Lakeland Downtown Development Authority, an independent special district; providing definitions; providing a statement of policy; providing a method of defining the downtown area; creating a board to be known as the Lakeland Downtown Development Authority; providing for composition of the board; providing for appointment, term of office, compensation, bonding, and liability of the members of the board; providing for filling vacancies in office; providing for bylaws and internal governance of the board; prescribing the functions and powers of the board; providing for Polk County to levy an ad valorem tax of not more than 2 mills; providing for records and fiscal management; providing for issuing revenue certificates; providing for succession by the city if the board ceases to exist or operate; providing for referenda; prescribing the scope of this act; providing for liberal construction; repealing chapters 77-588 and 78-549, Laws of Florida; providing an effective date.

—was read the second time by title. On motion by Senator Dockery, by two-thirds vote **HB 823** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Clary	Geller
Alexander	Constantine	Haridopolos
Argenziano	Cowin	Hill
Aronberg	Crist	Jones
Atwater	Dawson	Klein
Bennett	Diaz de la Portilla	Lawson
Bullard	Dockery	Lee
Campbell	Fasano	Lynn
Carlton	Garcia	Margolis

Miller	Sebesta	Wasserman Schultz
Peaden	Siplin	Webster
Posey	Smith	Wilson
Pruitt	Villalobos	Wise

Nays—None

HB 825—A bill to be entitled An act relating to the City of Lakeland, Polk County; amending the amended Charter of the City of Lakeland, 1976; revising limitations on length of service of the Mayor and City Commissioners; providing an effective date.

—was read the second time by title. On motion by Senator Dockery, by two-thirds vote **HB 825** was read the third time by title, 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

HB 827—A bill to be entitled An act relating to Meadow Pointe and Meadow Pointe II Community Development Districts, Pasco County; requiring owners to submit building plans to the district board under certain circumstances; permitting architectural review by each district board; providing for the enforcement of deed restrictions within each district; providing penalties; excluding certain villages from the provisions of this act; providing an effective date.

—was read the second time by title. On motion by Senator Fasano, by two-thirds vote **HB 827** was read the third time by title, 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

HB 883—A bill to be entitled An act relating to the Lake County Water Authority district; amending, codifying, reenacting, and repealing chapter 29222, Laws of Florida, 1953, as amended; codifying special acts relating to the district in conformity to s. 189.429, F.S.; providing district boundaries; providing purposes; providing for a governing body

and prescribing its powers, duties, functions, membership, and organization; providing duties of constitutional officers in Lake County with respect to the authority; repealing chapter 29222, Laws of Florida, 1953, and chapters 57-1484, 59-1466, 63-1507, 65-1787, 69-1209, 2000-492, 2003-376, Laws of Florida, relating to the district; providing an effective date.

—was read the second time by title. On motion by Senator Cowin, by two-thirds vote **HB 883** was read the third time by title, 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

HB 919—A bill to be entitled An act relating to Escambia County; amending chapter 83-405, Laws of Florida, as amended, relating to the Escambia County Civil Service System; providing for repeal of chapter 83-405, Laws of Florida; providing for the discretionary withdrawal of the Board of County Commissioners from the Civil Service System in the event that said law is not repealed; providing an effective date.

—was read the second time by title. On motion by Senator Clary, by two-thirds vote **HB 919** was read the third time by title, 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

HB 921—A bill to be entitled An act relating to the Florida Keys Aqueduct Authority, Monroe County; providing for codification of special laws relating to the Florida Keys Aqueduct Authority; providing legislative intent; codifying, repealing, amending, and reenacting chapters 76-441, 77-604, 77-605, 80-546, 83-468, 84-483, 84-484, 86-419, 87-454, 98-519, 2003-304, and 2003-327, Laws of Florida; providing for liberal construction; providing a savings clause in the event any provision of the act is deemed invalid; providing an effective date.

—was read the second time by title. On motion by Senator Bullard, by two-thirds vote **HB 921** was read the third time by title, 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

HB 923—A bill to be entitled An act relating to the Big Cypress Stewardship District, Collier County; creating and establishing an independent special district in Collier County to be known as the Big Cypress Stewardship District; creating a charter; providing for minimum charter requirements; providing for powers of the district and compliance with county plans and regulations; providing for the sale of real estate in the district; requiring a disclosure to the purchaser; describing the boundaries of the district; providing for a board of supervisors; providing qualifications, terms of office, election procedures, powers, duties, and compensation of the board; requiring an annual land-owners' meeting; providing for taxes and non-ad valorem assessments; providing for penalties on delinquent taxes; providing for enforcement of taxes and assessments; providing for the issuance of bonds; providing for liberal construction; providing for severability; providing for a referendum; providing an effective date.

—was read the second time by title. On motion by Senator Saunders, by two-thirds vote **HB 923** was read the third time by title, 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

HB 925—A bill to be entitled An act relating to Collier County; repealing chapter 18458 (1937), Laws of Florida, relating to the prohibition of cattle, horses, or mules from running or roaming at large within certain described boundaries within Collier County, Florida; providing an effective date.

—was read the second time by title. On motion by Senator Saunders, by two-thirds vote **HB 925** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

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

Nays—None

HB 927—A bill to be entitled An act relating to Collier Mosquito Control District, Collier County; amending chapter 2001-298, Laws of Florida; authorizing board members to receive benefits; conforming district boundaries to current boundaries; adding new boundaries; providing effective dates.

—was read the second time by title. On motion by Senator Saunders, by two-thirds vote **HB 927** was read the third time by title, 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

HB 961—A bill to be entitled An act relating to the City of Tampa, Hillsborough County; revising provisions relating to the City Pension Fund for Firefighters and Police Officers in the City of Tampa; authorizing the City of Tampa to enter into a supplemental contract with certain firefighters and police officers to revise the definition of pensionable earnings to include up to 300 hours per year of overtime and any other payments required to be included under chapters 175 and 185, Florida Statutes; revising the medical examination requirements for membership; providing for an increase in the accrual of benefits from 2.5 percent to 3.15 percent; providing for a minimum benefit for retirees; providing that the act is contingent upon execution of a contract between the city and the bargaining agents for the firefighters and police officers; providing for the execution of certain supplemental contract provisions by a date certain or forever barring the receipt of the benefits therein provided; confirming in part the City of Tampa Firefighters and Police Officers Pension Contract; providing an effective date.

—was read the second time by title. On motion by Senator Miller, by two-thirds vote **HB 961** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Carlton	Fasano
Alexander	Clary	Garcia
Argenziano	Constantine	Geller
Aronberg	Cowin	Haridopolos
Atwater	Crist	Hill
Bennett	Dawson	Jones
Bullard	Diaz de la Portilla	Klein
Campbell	Dockery	Lawson

Lee	Pruitt	Wasserman Schultz
Lynn	Saunders	Webster
Margolis	Sebesta	Wilson
Miller	Siplin	Wise
Peaden	Smith	
Posey	Villalobos	

Nays—None

HB 963—A bill to be entitled An act relating to the Hillsborough County School District; repealing chapter 8705 (1921), Laws of Florida, relating to issuing and selling interest-bearing time warrants; repealing chapter 9464 (1923), Laws of Florida, relating to the procurement of a loan for \$200,000; repealing chapter 12847 (1927), Laws of Florida, relating to borrowing money for use by public free schools of any special tax school district; repealing chapter 12860 (1927), Laws of Florida, relating to exercising the right of eminent domain to acquire certain property; repealing chapter 12862 (1927), Laws of Florida, conferring additional powers to borrow money and sell interest-bearing time warrants; repealing chapter 24570 (1947), Laws of Florida, consolidating all school districts into one; repealing chapter 24575 (1947), Laws of Florida, transferring property from the board of county commissioners to the board of public instruction; repealing chapter 24576 (1947), Laws of Florida, authorizing the board of county commissioners to acquire land from the board of public instruction; repealing chapter 24582 (1947), Laws of Florida, relating to the selection of school trustees for each public school; repealing chapter 27606 (1951), Laws of Florida, conveying certain land between the board of county commissioners and the board of public instruction; repealing chapter 27611 (1951), Laws of Florida, disbursing capital outlay to the credit of the Gillette Special Tax School District; repealing chapter 30832 (1955), Laws of Florida, creating school crossing zones in unincorporated Hillsborough County; repealing chapter 59-1351, Laws of Florida, relating to the leasing of certain lands for recreational, park, or similar purposes; repealing chapter 59-1366, Laws of Florida, validating the conveyance of certain lands from the trustees of Special Tax School District No. 1 to the board of public instruction; repealing chapter 63-1405, Laws of Florida, relating to the conveyance of certain lands between the board of public instruction and municipalities in Hillsborough County; repealing chapter 67-1501, Laws of Florida, providing for an internal auditing department and internal auditor; repealing chapter 71-495, Laws of Florida, allowing the district school board to expend moneys for per diem and travel expenses; repealing chapter 71-676, Laws of Florida, providing for the payment of terminal pay to noninstructional personnel upon death or retirement; repealing chapter 71-687, Laws of Florida, permitting entering into agreements for group insurance for the benefit of retired employees; repealing chapter 73-489, Laws of Florida, relating to group insurance for retired employees; repealing chapter 80-505, Laws of Florida, relating to the employment of an internal auditor; providing a savings clause; providing an effective date.

—was read the second time by title. On motion by Senator Miller, by two-thirds vote **HB 963** was read the third time by title, 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

HB 971—A bill to be entitled An act relating to the City of Jacksonville, Duval County; amending chapter 92-341, Laws of Florida, as amended, being the Charter of the City of Jacksonville, to allow certain city employees to become employed by the First Coast Metropolitan Planning Organization and to retain their city pension membership; providing an effective date.

—was read the second time by title. On motion by Senator Wise, by two-thirds vote **HB 971** was read the third time by title, 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

HB 987—A bill to be entitled An act relating to Pasco County; providing legislative findings and intent with respect to monopoly water utilities; providing for a pilot project for Pasco County to facilitate county response to certain consumer complaints; permitting the chair of the board of county commissioners to establish a monopoly water utility ad hoc committee for a prescribed period; providing for the membership and duties of the committee; allowing the county commission to adopt additional technological standards to address issues relating to black water and rotten-egg odor in domestic plumbing; requiring that utilities receive notice of the standards and submit a compliance plan to the county; prohibiting the county commission from adopting standards that relate to the finances of a monopoly water utility or conflict with specified standards imposed by other regulatory bodies; providing procedures for challenging standards adopted by the county; providing for a monopoly water utility to recover certain costs of compliance with the county requirements; providing that this act supersedes conflicting provisions of ch. 367, F.S.; providing for future repeal; providing an effective date.

—was read the second time by title. On motion by Senator Fasano, by two-thirds vote **HB 987** was read the third time by title, 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

Consideration of **HB 1021** was deferred.

HB 1023—A bill to be entitled An act relating to the City of Tampa, Hillsborough County; amending chapter 23559 (1945), Laws of Florida, as amended; revising provisions relating to the pension fund for general employees of the City of Tampa; clarifying covered employees; revising the definition of “average monthly salary,” “pension credit,” and “normal retirement date” to provide for 6-year vesting; revising deferred pension, early retirement, and disability retirement provisions to provide for 6-year vesting; providing additional cost-of-living adjustments; revising benefits provisions regarding reemployment after termination to provide for 6-year vesting; providing for 6-year vesting for elective officers, department heads, and appointive officers; revising the eligibility requirements for the Deferred Retirement Option Program to provide for 6-year vesting; adding a provision regarding limitations on amounts of benefits; providing an effective date.

—was read the second time by title. On motion by Senator Miller, by two-thirds vote **HB 1023** was read the third time by title, 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

HB 1091—A bill to be entitled An act relating to the City of Weeki Wachee, Hernando County; prohibiting the City of Weeki Wachee from exercising the right of eminent domain; prohibiting the annexation of land; limiting the amount of ad valorem taxes that may be assessed; providing for rules governing municipal elections; providing an effective date.

—was read the second time by title. On motion by Senator Fasano, by two-thirds vote **HB 1091** was read the third time by title, 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

HB 1145—A bill to be entitled An act relating to the East Naples Fire Control and Rescue District, Collier County; amending chapter 2000-444, Laws of Florida, relating to the district’s powers to issue general obligation bonds, notes, or certificates of indebtedness and to charge and collect impact fees on new construction within the district in order to be consistent with the amended provisions of this act, chapter 189 or chap-

ter 191, Florida Statutes, or other applicable law; providing for liberal construction; providing for severability; providing an effective date.

—was read the second time by title. On motion by Senator Saunders, by two-thirds vote **HB 1145** was read the third time by title, 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

HB 1151—A bill to be entitled An act relating to the City of Melbourne, Brevard County; extending and enlarging the corporate limits of the City of Melbourne to include specified unincorporated lands within said corporate limits; providing for the transfer of certain roads; providing for the application of municipal powers over the land annexed; providing that the annexation shall not abrogate certain contracts; providing an effective date.

—was read the second time by title. On motion by Senator Posey, by two-thirds vote **HB 1151** was read the third time by title, 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

HB 1159—A bill to be entitled An act relating to the Tallahassee-Leon County Civic Center Authority; codifying, amending, repealing, and re-enacting the authority’s special acts; providing for planning, developing, operating, and maintaining a comprehensive complex of civic, governmental, educational, recreational, convention, and entertainment facilities; providing for the method and manner of the election, selection, and terms of membership of the authority; providing powers, functions, privileges, duties, and responsibilities of the authority; providing for the issuance of bonds; providing for the rights and remedies of bondholders; providing for the sources of revenues to the authority; naming the Tallahassee-Leon County Civic Center; requiring the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to issue a beverage license to the authority or its designee; providing severability; repealing chapters 72-605, 77-480, 79-502, and 81-494, Laws of Florida; providing an effective date.

—was read the second time by title. On motion by Senator Lawson, by two-thirds vote **HB 1159** was read the third time by title, 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 1227—A bill to be entitled An act relating to Collier County; amending chapter 2003-360, Laws of Florida; providing for determination of reasonable charges due a charitable hospital located in Collier County under a contract or agreement entered into between such hospital and a nongovernmental third-party payor; providing an effective date.

—was read the second time by title. On motion by Senator Saunders, by two-thirds vote **HB 1227** was read the third time by title, 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 1277—A bill to be entitled An act relating to the City of Jacksonville, Duval County; amending Article 17 of chapter 92-341, Laws of Florida, as amended, being the Charter of the City of Jacksonville; revising the membership of the Civil Service Board; revising restrictions to membership; revising criteria in determining a vacancy; providing for transition to the amended method of appointment and terms of members; revising provisions relating to ex parte communications; revising the two-term limit requirement to conform to the appointed status of board members; providing an effective date.

—was read the second time by title. On motion by Senator Wise, by two-thirds vote **HB 1277** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Carlton	Fasano
Alexander	Clary	Garcia
Argenziano	Constantine	Geller
Aronberg	Cowin	Haridopolos
Atwater	Crist	Hill
Bennett	Dawson	Jones
Bullard	Diaz de la Portilla	Klein
Campbell	Dockery	Lawson

Lee	Pruitt	Wasserman Schultz
Lynn	Saunders	Webster
Margolis	Sebesta	Wilson
Miller	Siplin	Wise
Peadar	Smith	
Posey	Villalobos	

Nays—None

HB 1381—A bill to be entitled An act relating to the Englewood Water District, Charlotte and Sarasota Counties; codifying, amending, reenacting, and repealing the district's special acts; establishing boundaries; providing definitions; providing for election of a board of supervisors to govern said district; providing powers, authority, and duties of the board; granting to said governing board the authority in the territory defined to construct, acquire, extend, enlarge, reconstruct, improve, maintain, equip, repair, and operate a water system, wastewater system, or wastewater reuse system, or any combination thereof; authorizing the levy and collection of non-ad valorem assessments on property benefited by the construction of such water system, wastewater system, or wastewater reuse system, or combined systems; providing for optional methods of financing the cost of the water system, wastewater system, or wastewater reuse system or combined systems or extensions and additions thereto by the issuance of revenue bonds or assessment bonds or any combination thereof and the fixing and collection thereof and the fixing and collection of rates and charges on users of such systems; providing for the levy and collection of non-ad valorem assessments on benefited property and the pledge of such assessments for the payment of any revenue bonds, or assessment bonds; providing for the rights, remedies, and security of any of the holders of said bonds; providing penalties; repealing chapter 96-499, Laws of Florida, relating to the Englewood Water District; providing an effective date.

—was read the second time by title. On motion by Senator Carlton, by two-thirds vote **HB 1381** was read the third time by title, 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 1389—A bill to be entitled An act relating to Broward County; providing for extending the corporate limits of the City of Coral Springs; providing for annexation of the unincorporated area known as Ramblewood East Condominium; providing for continuation of certain regulations; providing for transfer of public roads and rights-of-way; providing an effective date.

—was read the second time by title. On motion by Senator Campbell, by two-thirds vote **HB 1389** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Bennett	Constantine
Alexander	Bullard	Cowin
Argenziano	Campbell	Crist
Aronberg	Carlton	Dawson
Atwater	Clary	Diaz de la Portilla

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

Nays—None

HB 1391—A bill to be entitled An act relating to Broward County; providing for extending the corporate limits of the City of Lauderdale Lakes or the City of Lauderhill; providing for annexation of the unincorporated area known as Boulevard Gardens; providing for an election; providing for an effective date of annexation; providing for an interlocal agreement; providing for a continuation of certain Broward County regulations; providing for the transfer of public roads and rights-of-way; providing an effective date.

—was read the second time by title. On motion by Senator Campbell, by two-thirds vote **HB 1391** was read the third time by title, 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

HB 1393—A bill to be entitled An act relating to Broward County; providing for extending the corporate limits of the Town of Davie, the City of Fort Lauderdale, or the City of Plantation; providing for annexation of the unincorporated area known as Broadview Park; providing for an election; providing for an effective date of annexation; providing for an interlocal agreement; providing for a continuation of certain Broward County regulations; providing for transfer of public roads and rights-of-way; providing an effective date.

—was read the second time by title. On motion by Senator Campbell, by two-thirds vote **HB 1393** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Wasserman Schultz	Wilson	Wise
Webster		
Nays—None		

HB 1395—A bill to be entitled An act relating to Broward County; providing for extending the corporate limits of the City of Lauderdale Lakes, the City of Lauderhill, and the City of Plantation; providing for annexation of the unincorporated area known as Broward Estates; providing for an election; providing for an effective date of annexation; providing for an interlocal agreement; providing for a continuation of certain Broward County regulations; providing for the transfer of public roads and rights-of-way; providing for effective date.

—was read the second time by title. On motion by Senator Campbell, by two-thirds vote **HB 1395** was read the third time by title, 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

HB 1397—A bill to be entitled An act relating to Broward County; providing for extending the corporate limits of the City of Lauderdale Lakes or the City of Lauderhill; providing for annexation of the unincorporated area known as St. George; providing for an election; providing an effective date of annexation; providing for an interlocal agreement; providing for a continuation of certain regulations; providing for the continuation of certain rights; providing for the transfer of public roads and rights-of-way; providing an effective date.

—was read the second time by title. On motion by Senator Campbell, by two-thirds vote **HB 1397** was read the third time by title, 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

HB 1399—A bill to be entitled An act relating to Broward County; providing for extending the corporate limits of the City of Fort Lauderdale or the City of Oakland Park; providing for annexation of the unincorporated area known as Twin Lakes North; providing for an election;

providing for an effective date of annexation; providing for an interlocal agreement; providing for a continuation of certain regulations; providing for the transfer of public roads and rights-of-way; providing an effective date.

—was read the second time by title. On motion by Senator Campbell, by two-thirds vote **HB 1399** was read the third time by title, 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

HB 1401—A bill to be entitled An act relating to Broward County; amending chapter 75-350, Laws of Florida, as amended by chapters 76-336, 77-507, and 81-349, Laws of Florida; revising provisions relating to the governing of municipal elections in Broward County; specifying the dates on which municipal candidates shall file qualification papers and pay certain fees with respect to certain elections; revising provisions relating to the dates on which municipal primary and general elections shall be held; authorizing municipalities to extend or reduce terms of office for certain purposes; authorizing the governing body of each municipality to change the date of its municipal elections by ordinance, subject to approval by referendum; requiring the supervisor of elections to provide to each municipality a schedule of fees and charges for all municipal election services for the following calendar year by a time certain; providing an effective date.

—was read the second time by title. On motion by Senator Campbell, by two-thirds vote **HB 1401** was read the third time by title, 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

HB 1407—A bill to be entitled An act relating to Broward County; providing for extending the corporate limits of the City of Deerfield Beach; providing for annexation of specified unincorporated areas; providing for an interlocal agreement; providing for continuation of certain Broward County regulations; providing for the transfer of public roads and rights-of-way; providing an effective date.

—was read the second time by title. On motion by Senator Campbell, by two-thirds vote **HB 1407** was read the third time by title, 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

HB 1409—A bill to be entitled An act relating to Broward County; providing for extending the corporate limits of the City of Pompano Beach or the City of Deerfield Beach; providing for annexation of the unincorporated area known as the Pompano Highlands; providing for an election; providing for an effective date of annexation; providing for interlocal agreement; providing for continuation of certain Broward County regulations; providing for transfer of public roads and rights-of-way; providing an effective date.

—was read the second time by title. On motion by Senator Campbell, by two-thirds vote **HB 1409** was read the third time by title, 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

HB 1411—A bill to be entitled An act relating to the Town of Lauderdale-By-The-Sea and the Village of Sea Ranch Lakes, Broward County; clarifying and delineating the corporate limits of the Town of Lauderdale-By-The-Sea and the Village of Sea Ranch Lakes to include specified lands within said corporate limits; providing an effective date.

—was read the second time by title. On motion by Senator Campbell, by two-thirds vote **HB 1411** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Pruitt	Smith	Webster
Saunders	Villalobos	Wilson
Sebesta	Wasserman Schultz	Wise
Siplin		

Nays—None

HB 1413—A bill to be entitled An act relating to the City of Weston, Broward County; extending and enlarging the corporate limits of the City of Weston to include specified unincorporated lands within said corporate limits; providing for transfer of public roads and rights-of-way; providing an effective date.

—was read the second time by title. On motion by Senator Campbell, by two-thirds vote **HB 1413** was read the third time by title, 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 1415—A bill to be entitled An act relating to Broward County; providing for deannexation of certain lands from the City of Cooper City; providing for annexation of certain lands into the Town of Southwest Ranches; providing an effective date.

—was read the second time by title. On motion by Senator Campbell, by two-thirds vote **HB 1415** was read the third time by title, 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 1417—A bill to be entitled An act relating to Broward County; providing for extending the corporate limits of the City of Pompano Beach; providing for annexation of specified unincorporated areas; providing for an interlocal agreement; providing for continuation of certain Broward County regulations; providing for the transfer of Broward County roads and rights-of-way; providing an effective date.

—was read the second time by title. On motion by Senator Campbell, by two-thirds vote **HB 1417** was read the third time by title, 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 1449—A bill to be entitled An act relating to the DeSoto County Hospital District; codifying special laws relating to DeSoto County Hospital District pursuant to section 189.429, Florida Statutes; providing legislative intent; codifying, repealing, amending, and reenacting chapters 65-1450, 69-1011, 71-605, 73-443, 78-498, 82-288, and 89-493, Laws of Florida; providing district status and boundaries; providing for applicability of chapter 189, Florida Statutes, and other general laws; providing a district charter; providing an effective date.

—was read the second time by title. On motion by Senator Bennett, by two-thirds vote **HB 1449** was read the third time by title, 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 1453—A bill to be entitled An act relating to the North Sumter County Hospital District; providing a popular name; providing district purpose; providing district boundaries; providing for a board of trustees as the governing body of the district; prescribing the powers and duties of the board; providing for compensation and meetings of the board; authorizing the board to levy and collect an annual ad valorem tax upon taxable property within the district; providing for a referendum; providing for purpose of the tax; providing for a method for such levy; providing for an annual report; providing for financial disclosure; providing for liens and foreclosure of liens; providing for severability; providing an effective date.

—was read the second time by title. On motion by Senator Cowin, by two-thirds vote **HB 1453** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40		
Mr. President	Bennett	Constantine
Alexander	Bullard	Cowin
Argenziano	Campbell	Crist
Aronberg	Carlton	Dawson
Atwater	Clary	Diaz de la Portilla

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

Nays—None

HB 1483—A bill to be entitled An act relating to the Immokalee Water and Sewer District, Collier County; amending chapter 98-495, Laws of Florida; amending the boundaries of the district; increasing the amount for disbursements of district funds that must be made pursuant to warrant or check; providing an effective date.

—was read the second time by title. On motion by Senator Saunders, by two-thirds vote **HB 1483** was read the third time by title, 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

HB 1485—A bill to be entitled An act relating to Broward County; providing for extending the corporate limits of the City of Fort Lauderdale or the City of Oakland Park; providing for annexation of the unincorporated area known as North Andrews Gardens; providing for an election; providing for an effective date of annexation; providing for an interlocal agreement; providing for a continuation of certain Broward County regulations; providing for the transfer of public roads and rights-of-way; providing an effective date.

—was read the second time by title. On motion by Senator Campbell, by two-thirds vote **HB 1485** was read the third time by title, 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

HB 1487—A bill to be entitled An act relating to Broward County; providing for extending the corporate limits of the City of Fort Lauderdale; providing for annexation of the unincorporated area known as Rock Island; providing for an election; providing for an effective date of annexation; providing for an interlocal agreement; providing for continuation of certain Broward County regulations; providing for transfer of public roads and rights-of-way; providing an effective date.

—was read the second time by title. On motion by Senator Campbell, by two-thirds vote **HB 1487** was read the third time by title, 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

HB 1491—A bill to be entitled An act relating to Broward County; creating the charter of the City of West Park; providing for the corporate name and purpose of the charter; establishing form of government and territorial boundaries of the municipality; providing powers of the municipality and of certain officers; providing for election and terms of office of a city commission, including the mayor and vice mayor, and providing for qualifications, powers, and duties of and restrictions on its membership; establishing circumstances which create vacancies in office and providing for filling vacancies and for forfeiture and recall; providing a procedure for establishing compensation and expense reimbursement for the mayor and city commission; providing for rules of procedure; providing for a city administrator, city clerk, and city attorney and powers and duties of each; providing restrictions on expenditure of city funds; authorizing establishment of city boards and agencies; providing for commission meetings, procedural rules, and recordkeeping and voting at meetings; providing for emergency ordinances; providing for budget requirements, adoption, and amendment and establishing a fiscal year; providing procedures for authentication, recording, and disposition of ordinances, resolutions, and charter amendments; establishing the right to determine, order, levy, assess, and collect taxes; providing for borrowing by the city; providing for an annual independent audit; providing for quasi-judicial procedures; establishing election requirements and guidelines; providing for charter amendments and review; providing for severability; providing for standards of conduct; providing for a personnel system; providing requirements for charitable contributions; providing for transition, including a referendum on incorporation and alternate manners of elections for the city commission, initial election and terms, and date of creation and establishment of the municipality; providing for interim adoption of codes and ordinances and taxes and fees; providing for payment of certain revenues and for transitional ordinances and resolutions; entitling the city to state shared and local option gas tax revenues; providing for the sharing of certain revenues; providing for the city commission to rename the city under certain circumstances; providing an effective date.

—was read the second time by title. On motion by Senator Campbell, by two-thirds vote **HB 1491** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

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

Nays—None

HB 1545—A bill to be entitled An act relating to Monroe County; amending chapter 99-395, Laws of Florida, as amended; revising provisions relating to interim construction standards for new, expanded, or existing onsite sewage treatment and disposal systems scheduled to be served by a central sewage facility before July 1, 2010; providing an effective date.

—was read the second time by title. On motion by Senator Bullard, by two-thirds vote **HB 1545** was read the third time by title, 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

HB 1577—A bill to be entitled An act relating to Monroe County; amending chapter 2002-337, Laws of Florida, as amended; providing conditions for use of certain funds by the Key Largo Wastewater Treatment District; revising provisions relating to vacancies on the governing board; providing an effective date.

—was read the second time by title. On motion by Senator Bullard, by two-thirds vote **HB 1577** was read the third time by title, 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

HB 1599—A bill to be entitled An act relating to the Highlands County Hospital District; codifying, pursuant to s. 189.429, F.S., special laws relating to the Highlands County Hospital District; codifying, reenacting, amending, and repealing chapters 61-2232, 72-553, 74-487, 78-519, 80-506, 81-384, 84-437, 85-420, 88-456, and 96-443, Laws of Florida; fixing and prescribing boundaries of the district; providing for its governing and administration; providing and defining powers and purposes of the district and its board of commissioners; authorizing the board to establish, contract for, lease, operate, and maintain any hospital it has established in the district; authorizing and providing for issuance and sale of district bonds; authorizing the board to borrow money and give notes therefor; authorizing and providing for levy and collection of taxes for payment of bonds and notes and interest thereon; providing for exercise of the power of eminent domain; authorizing establishment of hospital staff and a nursing school; providing for liability insurance; providing construction; providing severability; providing for the issuance of revenue bonds; authorizing the transfer of certain funds and limiting the uses thereof; providing an effective date.

—was read the second time by title. On motion by Senator Alexander, by two-thirds vote **HB 1599** was read the third time by title, 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

HB 1607—A bill to be entitled An act relating to the South Broward Drainage District, Broward County; amending chapter 98-524, Laws of Florida; providing for the number of supervisors of the district; providing single-member zones; providing the method of election of supervisors; providing the qualifications of supervisors; providing the term of office for supervisors; providing that the officers of the district shall be members of the board of supervisors; providing for the limitation of supervisors' benefits; deleting obsolete provisions; providing severability; providing an effective date.

—was read the second time by title. On motion by Senator Campbell, by two-thirds vote **HB 1607** was read the third time by title, 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

HB 1609—A bill to be entitled An act relating to the North Lake County Hospital District, Lake County; amending chapter 2002-348, Laws of Florida; providing for payment of tax proceeds to designees of the Florida Hospital Waterman, Inc., and Leesburg Regional Medical Center, Inc., under specified circumstances; providing an effective date.

—was read the second time by title. On motion by Senator Cowin, by two-thirds vote **HB 1609** was read the third time by title, 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

HB 1625—A bill to be entitled An act relating to the Ave Maria Stewardship Community District, Collier County; providing a popular name; creating the Ave Maria Stewardship Community District; providing for findings, determinations, ascertainments, intent, purpose, definitions, and policy; creating the charter of the District; providing for authority and jurisdiction; creating the District as a special, limited, and single-purpose independent district, an independent local government and corporate body politic, to provide community development infrastructure to the Ave Maria community development in that certain portion of the unincorporated area of the Collier County political subdivision within and subject to the Growth Management Plan and the Rural Lands Stewardship Area Zoning Overlay District in Eastern Collier County; prescribing and fixing the boundaries of the District; providing for election of a Board of Supervisors and terms of office and powers and duties thereof; requiring certain financial reports; providing for disclosure of public financing information; authorizing and providing for the levy and collection of taxes; authorizing special powers relating to water management and control, roads and bridges, and other public facilities; providing for the issuance of bonds and short-term borrowing; providing procedures for competitive procurement of goods, supplies, and materials; providing for enforcement of provisions of the Act and providing penalties for violation thereof; providing for the applicability of provisions of chapter 189, Florida Statutes, and other general laws; providing for severability; providing an effective date.

—was read the second time by title. On motion by Senator Saunders, by two-thirds vote **HB 1625** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Miller
Alexander	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	Lawson	Wasserman Schultz
Constantine	Lee	Webster
Cowin	Lynn	Wilson
Crist	Margolis	Wise

Nays—1

Klein

HB 1645—A bill to be entitled An act relating to Holley-Navarre Fire District, Santa Rosa County; providing for codification of special laws relating to the district; amending, codifying, reenacting, and repealing all prior special acts; providing definitions; providing for creation, status, charter amendments, and boundaries; providing for a board of supervisors and powers, duties, and responsibilities; preserving the authority to levy ad valorem taxes and non-ad valorem assessments; providing powers and authorities; providing for a non-ad valorem assessment schedule; specifying limitations; providing for liens; providing for authority to disburse funds; authorizing district to borrow money; providing for use of district funds; requiring a record of all board meetings; authorizing the board to adopt policies and regulations; providing for an annual budget; authorizing the board to enact fire prevention ordinances, appoint a fire marshal, acquire land, enter contracts, and operate a fire rescue service; providing for district authority upon annexation of district lands; providing for dissolution; providing immunity from tort liability for officers, agents, and employees; providing for district expansion; providing for construction, effect, conflict, and repeal of all prior special acts; providing an effective date.

—was read the second time by title. On motion by Senator Clary, by two-thirds vote **HB 1645** was read the third time by title, 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

HB 1647—A bill to be entitled An act relating to the Jacksonville Airport Authority, Consolidated City of Jacksonville, Duval County; creating and establishing separate charter provisions concerning the airport authority known as the Jacksonville Airport Authority, which was established effective October 1, 2001, pursuant to chapter 2001-319, Laws of Florida, as amended; establishing the separate airport authority as a county authority, providing for governing bodies, appointment of members, terms, staggered terms, rules of procedure, providing for employment of a managing director and other employees, providing for interrelations with and use of services of the City of Jacksonville; providing definitions; establishing powers; providing for issuance of bonds; providing for budgetary and financial matters; providing for rights of bondholders; providing rights of employees and participation in the Florida Retirement System; providing for cooperation with other entities; providing for audits and bonds; providing for purchasing, procurement, and award of contracts; providing for execution of instruments and examination of claims; providing for transfer, effective October 1, 2001, of assets and liabilities from the former consolidated Jacksonville Port Authority to the separate airport authority and for assumption of responsibilities; making the Port Facilities Financing Act applicable to airport operations; declaring a county and public purpose; providing for liberal construction; providing for severability; providing an effective date.

—was read the second time by title. On motion by Senator Hill, by two-thirds vote **HB 1647** was read the third time by title, 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

HB 1649—A bill to be entitled An act relating to the Jacksonville Port Authority, Consolidated City of Jacksonville, Duval County; creating and establishing separate charter provisions concerning the seaport authority known as the Jacksonville Port Authority which was established effective October 1, 2001, pursuant to chapter 2001-319, Laws of Florida, as amended; establishing the separate seaport authority as a county authority, providing for governing bodies, appointment of members, terms, staggered terms, and rules of procedure; providing for employment of a managing director and other employees; providing for interrelations with and use of services of the City of Jacksonville; providing definitions; establishing powers; providing for issuance of bonds; providing for budgetary and financial matters; providing for rights of bondholders; providing rights of employees and participation in the Florida Retirement System; providing for cooperation with other entities; providing for audits and bonds; providing for purchasing, procurement, and award of contracts; providing for execution of instruments and examination of claims; effective October 1, 2001, providing for transfer of assets and liabilities from the former consolidated Jacksonville Port Authority to the separate seaport authority and for assumption of responsibilities; making the Port Facilities Financing Act applicable to seaport operations; declaring a county and public purpose; providing for liberal construction; providing for severability; repealing chapter 2001-319, Laws of Florida, as amended; providing an effective date.

—was read the second time by title. On motion by Senator Hill, by two-thirds vote **HB 1649** was read the third time by title, 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

HB 1669—A bill to be entitled An act relating to Hillsborough County; providing definitions; providing purpose; authorizing purchases of goods and services by the county and other public bodies operating in the county under bids submitted to other federal, state, and local governmental entities; providing conditions; providing an exemption; providing construction; providing an effective date.

—was read the second time by title. On motion by Senator Miller, by two-thirds vote **HB 1669** was read the third time by title, 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

HB 1671—A bill to be entitled An act relating to Palm Beach County; amending chapter 2000-467, Laws of Florida, relating to Northern Palm Beach County Improvement District; amending the boundaries of the district to include additional lands; amending chapter 2001-313, Laws of Florida, relating to South Indian River Water Control District, by amending the boundaries of the district to delete lands; providing for an effective date.

—was read the second time by title. On motion by Senator Pruitt, by two-thirds vote **HB 1671** was read the third time by title, 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

HB 1675—A bill to be entitled An act relating to the Boca Raton Airport Authority; providing for a codified charter for the Boca Raton Airport Authority; creating the Boca Raton Airport Authority; providing for its membership, terms of office, officers, quorum, and meetings; defining the powers and duties of the authority; providing for reimbursement of travel expenses; providing for budgets; providing for transfer of funds; providing for an airport manager; defining the relationship between the authority, the City of Boca Raton, Palm Beach County, and the State of Florida; providing for continued vesting of title to the land comprising the Boca Raton Airport in the Board of Trustees of the Internal Improvement Trust Fund; providing the authority is liable for certain obligations and damages; declaring the authority to be an agency of the state; repealing chapters 82-259, 83-371, 91-381, and 99-421, Laws of Florida; providing an effective date.

—was read the second time by title. On motion by Senator Klein, by two-thirds vote **HB 1675** was read the third time by title, 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 1709—A bill to be entitled An act relating to the Coral Springs Improvement District, Broward County; providing for codification of special laws regarding special districts pursuant to s. 189.429, Florida Statutes, relating to the Coral Springs Improvement District; codifying, amending, and reenacting chapters 70-617 and 89-419, Laws of Florida; providing legislative intent; deleting gender-specific references; providing a district charter; repealing chapters 70-617 and 89-419, Laws of Florida, relating to the Coral Springs Improvement District; providing severability; providing an effective date.

—was read the second time by title. On motion by Senator Campbell, by two-thirds vote **HB 1709** was read the third time by title, 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 1747—A bill to be entitled An act relating to the Canaveral Port District, Brevard County; amending chapter 2003-335, Laws of Florida; increasing the amount for which the Canaveral Port Authority may encumber personal properties and facilities of the authority; increasing the amount for which contracts for construction, improvement, repair, or building may be entered into or goods, supplies, or materials may be purchased by the district or authority; conforming a required electors signature provision; providing an effective date.

—was read the second time by title. On motion by Senator Haridopolos, by two-thirds vote **HB 1747** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Campbell	Diaz de la Portilla
Alexander	Carlton	Dockery
Argenziano	Clary	Fasano
Aronberg	Constantine	Garcia
Atwater	Cowin	Geller
Bennett	Crist	Haridopolos
Bullard	Dawson	Hill

Jones	Peadar	Villalobos
Klein	Posey	Wasserman Schultz
Lawson	Pruitt	Webster
Lee	Saunders	Wilson
Lynn	Sebesta	Wise
Margolis	Siplin	
Miller	Smith	
Nays—None		

THE PRESIDENT PRESIDING

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Lee, by two-thirds vote **CS for SJR 2898** was withdrawn from the Committee on Judiciary.

MOTIONS

On motion by Senator Lee, a deadline of one hour after the availability of engrossed bills was set for filing amendments to Bills on Third Reading to be considered Thursday, April 29.

On motion by Senator Lee, by two-thirds vote all bills remaining on the Special Order Calendar this day were established as the Special Order Calendar for Thursday, April 29.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Consent Calendar for Wednesday, April 28, 2004: SB 142, CS for SB 338, SB 412, CS for CS for SB 500, SB 1198, CS for SB 1208, CS for CS for SB's 1228 and 2080, CS for CS for SB 1358, CS for SB 1394, CS for SB 1632, CS for SB 1788, CS for SB 1824, CS for SB 2070, CS for CS for SB 2188, CS for SB 2248, CS for SB 2294, CS for SM 2522, CS for CS for CS for SB 2676, CS for CS for SB 2774, CS for SB 2938, CS for SB 2960

Respectfully submitted,
Tom Lee, Chair

The Committee on Rules and Calendar submits the following bills to be placed on the Local Bill Calendar for Wednesday, April 28, 2004: SB 2318, SB 2862, SB 3110, SB 3122, SB 3172, SB 3182, SB 3188, SB 3202, HB 401, HB 403, HB 413, HB 449, HB 465, HB 489, HB 601, HB 625, HB 629, HB 631, HB 711, HB 733, HB 749, HB 771, HB 785, HB 817, HB 823, HB 825, HB 827, HB 883, HB 919, HB 921, HB 923, HB 925, HB 927, HB 961, HB 963, HB 971, HB 987, HB 1021, HB 1023, HB 1091, HB 1145, HB 1151, HB 1159, HB 1227, HB 1277, HB 1381, HB 1389, HB 1391, HB 1393, HB 1395, HB 1397, HB 1399, HB 1401, HB 1407, HB 1409, HB 1411, HB 1413, HB 1415, HB 1417, HB 1449, HB 1453, HB 1483, HB 1485, HB 1487, HB 1491, HB 1545, HB 1577, HB 1599, HB 1607, HB 1609, HB 1625, HB 1645, HB 1647, HB 1649, HB 1669, HB 1671, HB 1675, HB 1709, HB 1747

Respectfully submitted,
Tom Lee, Chair

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

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

I am directed to inform the Senate that the House of Representatives has passed HB 1897, HB 1985; has passed as amended HB 191, HB 573, HB 585, HB 639, HB 679, HB 821, HB 1095, HB 1361, HB 1815; has passed as amended by the required Constitutional three-fifths vote of the membership HB 1281 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committee on Judiciary; and Representative Kottkamp—

HB 1897—A bill to be entitled An act relating to protective injunctions; amending s. 784.046, F.S.; limiting the application of an evidentiary requirement with respect to injunctions for protection of minor children; providing an effective date.

—was referred to the Committee on Judiciary.

By the Committee on Public Safety and Crime Prevention; and Representative Needelman and others—

HB 1985—A bill to be entitled An act relating to an interstate compact for juveniles; amending s. 985.502, F.S.; providing authority for the execution of an interstate compact for juveniles; providing a purpose for such compact; providing definitions; providing for the Interstate Commission for Juveniles; providing that the commission is a body corporate and a joint agency of the compacting states; providing duties, powers, and responsibilities of the commission; providing for membership of the commission; providing for appointment of commissioners; providing for ex officio members of the commission; providing procedures for establishing a quorum and for voting; providing for meetings; providing for open commission meetings and records subject to certain limitations; providing for procedures in the event that a commission meeting is closed; providing for the collection of standardized data; providing for reports; providing the commission with rulemaking authority; providing limitations on rulemaking authority; providing for emergency rulemaking; providing for the organization and operation of the commission; providing for an executive committee; providing for the election of a chairperson; providing qualified immunity and indemnity in certain circumstances; providing for oversight, enforcement, and dispute resolution by the commission; authorizing the commission to take disciplinary action, including suspension or termination, in certain circumstances; specifying financial practices for the commission; providing for State Councils for Interstate Juvenile Supervision; specifying membership of such council; specifying responsibilities of such council; providing eligibility for becoming a compacting state; providing circumstances under which the compact may be amended; providing for the withdrawal, default, or termination of a compacting state; specifying grounds for default; providing for judicial review of commission actions related to withdrawal, default, or termination; providing for notice of such actions; providing for reinstatement; providing for the assessment of fees and costs in certain circumstances; providing for dissolution of the compact; providing for liberal construction; providing for severability; providing that the actions of the commission are binding upon compacting states; providing for the issuance of advisory opinions by the commission; limiting scope of the compact to provisions of state law; repealing ss. 985.501, 985.503, 985.504, 985.505, 985.506, and 985.507, F.S., relating to the Interstate Compact on Juveniles, the implementing legislation of such compact, legislative findings and policy, the juvenile compact administrator, supplementary agreements to such compact, financial arrangements for such compact and supplementary agreements, the responsibilities of state departments, agencies and officers with regard to such compact, and authority for procedures in addition to such compact, respectively; providing applicability; providing an effective date.

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

By Representative Brummer and others—

HB 191—A bill to be entitled An act relating to retirement; providing legislative intent; amending s. 121.091, F.S.; revising provisions relating to benefits payable for total and permanent disability for certain Special Risk Class members of the Florida Retirement System who are injured in the line of duty; providing for contribution rate increases to fund benefits provided in s. 121.091, F.S., as amended; directing the Division of Statutory Revision to adjust contribution rates set forth in s. 121.71, F.S.; providing an effective date.

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

By Representative Kottkamp—

HB 573—A bill to be entitled An act relating to negligence; creating s. 812.18, F.S.; recognizing an expectation regarding the provision of adequate security from certain criminal acts on specified commercial real property; providing security conditions that may be presented as evidence; authorizing certain evidence to be admissible in civil or criminal proceedings; providing applicability; providing an effective date.

—was referred to the Committees on Judiciary; Criminal Justice; Commerce, Economic Opportunities, and Consumer Services; and Comprehensive Planning.

By Representative Benson—

HB 585—A bill to be entitled An act relating to the Florida Building Code; requiring the Florida Building Commission to expedite the adoption and implementation of the Florida Building Code; requiring such adoption pursuant to certain requirements of law; waiving application of certain update and amendment requirements and administrative rule provisions; providing an effective date.

—was referred to the Committees on Regulated Industries; and Comprehensive Planning.

By Representative Fields—

HB 639—A bill to be entitled An act relating to insurance guaranty associations; amending ss. 631.54 and 631.904, F.S.; revising the definition of covered claim; excluding certain claims rejected by another state's guaranty fund under certain circumstances; denying member insurers any right to indemnification or contribution sought through third parties; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Representative Henriquez and others—

HB 679—A bill to be entitled An act relating to sales representative contracts involving commissions; amending s. 686.201, F.S.; revising definitions; providing for application to certain persons as well as businesses; including services as well as products; providing for application to retail as well as wholesale transactions; increasing damages under certain actions for compliance; specifying nonapplication to certain licensed persons performing services within the scope of their license; providing an effective date.

—was referred to the Committees on Commerce, Economic Opportunities, and Consumer Services; and Judiciary.

By Representative Barreiro and others—

HB 821—A bill to be entitled An act relating to early childhood education; creating pt. V of ch. 1002, F.S., entitled "Voluntary Prekindergarten Education Program"; providing definitions; creating the Voluntary Prekindergarten Education Program (VPK Program) within the Department of Education to implement s. 1(b) and (c), Art. IX of the State Constitution; providing student eligibility and enrollment requirements; providing scholarship options and for issuance of scholarships; providing eligibility requirements for prekindergarten schools to participate in the VPK Program; providing educational requirements for prekindergarten directors of prekindergarten schools; providing requirements for a prekindergarten school teacher preparation and continuing education course; requiring adoption of VPK Program student performance standards; providing curriculum requirements and accountability standards; requiring adoption of a statewide kindergarten screening, and implementation of a screening instrument, to assess kindergarten readiness; providing funding, payment, and attendance requirements for prekindergarten schools; providing for administration of the VPK Program; providing department powers and duties; providing for an evaluation and adoption of curriculum standards for child development associate

credentials; providing for interinstitutional articulation agreements; creating the Early Learning Advisory Council within the Agency for Workforce Innovation to provide advice on early childhood education policy and administration of the VPK Program and early learning programs; providing council requirements; providing State Board of Education rulemaking authority; amending and renumbering s. 402.3017, F.S.; authorizing the department to contract for administration of scholarship initiatives for early childhood education personnel and for a program to encourage parental involvement; amending s. 411.01, F.S.; conforming provisions to the transfer of the powers and duties of the Florida Partnership for School Readiness to the Agency for Workforce Innovation and the abolishment of the partnership; redesignating school readiness programs as early learning programs and school readiness coalitions as early learning councils; providing duties of the Agency for Workforce Innovation with respect to administration of early learning programs at the statewide level, adoption of standards and outcome measures for early learning programs, and approval, coordination, and evaluation of early learning councils; providing for the organization of early learning councils and membership thereof; providing for administration and implementation of early learning programs by early learning councils; specifying requirements for, and elements of, early learning programs; requiring Agency for Workforce Innovation approval of early learning program plans submitted by early learning councils; specifying minimum standards and provisions for each early learning plan; providing requirements relating to the procurement of commodities or services, payment schedules, fiscal agents, and evaluation of early learning programs and reporting thereof; providing eligibility requirements for participation in early learning programs; requiring early learning programs to provide parental choice; requiring early learning programs to meet performance standards and outcome measures adopted by the Agency for Workforce Innovation; providing for allocation of funds to early learning councils by the Agency for Workforce Innovation and specifying use of such funds; amending s. 11.45, F.S.; authorizing the Auditor General to conduct audits of the early learning system; amending s. 20.50, F.S.; creating the Office of Early Childhood Education within the Agency for Workforce Innovation to administer the early learning 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 Early Childhood Education Programs Estimating Conference; requiring estimates and forecasts for early learning programs and the VPK Program; amending s. 402.3016, F.S.; conforming provisions; amending and renumbering s. 402.27, F.S.; requiring the Agency for Workforce Innovation to administer a statewide resource and referral network to provide information for, and assistance in, the operation of early learning councils and the VPK Program; including a system of local resource and referral within the network and specifying services to be provided; amending s. 402.3018, F.S.; requiring the Agency for Workforce Innovation to provide for a statewide toll-free Warm-Line; amending s. 409.178, F.S.; redesignating the Child Care Executive Partnership as the Business Partnership for Early Learning to be administered by the Agency for Workforce Innovation and providing for establishment of the Business Partnership for Early Learning Program; amending s. 402.25, F.S.; conforming provisions; amending s. 402.281, F.S.; redesignating the Gold Seal Quality Care program as the Gold Seal Quality program; specifying requirements for a Gold Seal Quality designation; amending ss. 402.3051, 402.315, and 212.08, F.S.; conforming provisions; amending s. 402.305, F.S.; revising requirements for an introductory course in child care for child care personnel; revising minimum staff credential requirements for child care personnel and providing rulemaking authority for equivalent credentials; amending ss. 383.14, 402.45, 411.011, 411.221, 411.226, 411.227, 445.023, 490.014, 491.014, 624.91, 1001.23, 1002.22, 1003.21, 1003.54, and 1006.03, F.S.; conforming provisions; requiring the Department of Education to submit to the Legislature recommendations for professional development programs for the VPK Program; repealing ss. 402.30501, 411.012, and 1008.21, F.S., relating to modification of the introductory child care course for community college credit, the voluntary universal prekindergarten education program, and the school readiness uniform screening, respectively; abolishing the Florida Partnership for School Readiness and providing for transfer of powers, duties, functions, rules, records, personnel, property, and funds to the Agency for Workforce Innovation; providing for the transfer of the TEACH Early Childhood Project and the HIPPIY program from the Agency for Workforce Innovation to the Department of Education; prohibiting certain transfers without specific legislative authority; providing that the VPK Program is a choice option for parents and providers and not part of the system of public education; providing effective dates.

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

By Representative Garcia and others—

HB 1095—A bill to be entitled An act relating to powers of county governments; amending s. 316.008, F.S.; clarifying that certain counties may inspect and regulate the operation of private school buses; providing an effective date.

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

By Representative Needelman and others—

HB 1361—A bill to be entitled An act relating to property taxes; amending s. 200.071, F.S.; authorizing counties to cap annual growth in ad valorem tax revenues by charter; providing requirements and limitations; providing an exception; prohibiting ad valorem tax levies by counties in excess of amounts specified in the county charter; prohibiting ad valorem tax levies by counties through municipal service taxing units in excess of amounts specified in the ordinance establishing the unit; providing an effective date.

—was referred to the Committees on Comprehensive Planning; and Finance and Taxation.

By the Committee on Transportation; and Representative Evers—

HB 1815—A bill to be entitled An act relating to controlled substances; amending s. 893.033, F.S.; revising the chemicals defined as “listed precursor chemicals” to include benzaldehyde, hydriodic acid, and nitroethane, and to remove anhydrous ammonia and benzyl chloride; revising the chemicals defined as “listed essential chemicals” to include anhydrous ammonia, benzyl chloride, hydrochloric gas, and iodine; amending s. 893.13, F.S.; prohibiting a person from manufacturing methamphetamine or phencyclidine or from possessing listed chemicals with the intent to manufacture methamphetamine or phencyclidine; providing criminal penalties; providing for minimum terms of imprisonment in circumstances where a person commits or attempts to commit such crime in a structure or conveyance where a child is present and in circumstances where a child suffers great bodily harm; providing criminal penalties in circumstances where a person fails to store anhydrous ammonia as required; providing criminal penalties in circumstances involving a violation of ch. 893, F.S., which results in serious injury to a state, local, or federal law enforcement officer; increasing the criminal penalties if such violation results in death or great bodily harm to such officer; prohibiting a person from selling, manufacturing, delivering, or attempting to sell, manufacture, or deliver a controlled substance in, on, or within 1,000 feet of an assisted living facility; providing criminal penalties for such offense; specifying minimum terms of imprisonment for such offense; amending s. 893.135, F.S.; including offenses involving pseudoephedrine within the offense of trafficking in amphetamine; providing criminal penalties; providing that it is a capital offense to manufacture or import pseudoephedrine knowing that the probable result will be death; amending s. 893.149, F.S., relating to the prohibition against possessing listed chemicals; providing an exception to such prohibition for a person authorized to clean up or dispose of hazardous waste or toxic substances pursuant to ch. 893, F.S.; providing that damages arising out of the unlawful possession of, storage of, or tampering with a listed chemical is the sole responsibility of the person unlawfully possessing, storing, or tampering with the chemical; providing that the lawful owner, installer, maintainer, designer, manufacturer, possessor, or seller is immune from liability in the absence of negligent misconduct or failure to abide by laws governing possession or storage; reenacting s. 893.02(12), F.S., relating to the definition of the term “listed chemical,” for the purpose of incorporating the amendment to s. 893.033, F.S., in a reference thereto; reenacting ss. 435.07(2), 921.187(1), 938.25, and 948.034(1) and (2), F.S., relating to exemptions from disqualification for certain employment, disposition, and sentencing, the assessment of fees for purposes of funding the Operating Trust Fund of the Department of

Law Enforcement, and the terms and conditions of probation, respectively, for the purpose of incorporating the amendment to s. 893.13, F.S., in references thereto; reenacting ss. 311.12(3)(c), 414.095(1), 775.087(2)(a) and (3)(a), 782.04(1)(a), (3)(a), and (4)(a), 893.13(8)(d), 907.041(4)(c), 921.0022(3)(g) and (i), 921.0024(1), 921.142(2), 943.0585, and 943.059, F.S., relating to seaport security standards, eligibility for temporary cash assistance, mandatory sentencing in circumstances involving the possession of use of a weapon, specified offenses that may be charged as murder if death results, prohibited acts by prescribing practitioners, circumstances in which the court may order pretrial detention, the offense severity ranking chart of the Criminal Punishment Code, worksheet computations and scoresheets under the Criminal Punishment Code, sentencing in capital drug trafficking cases, limitations on circumstances in which a criminal history record may be expunged, and limitations on circumstances in which a criminal history record may be sealed, respectively, for the purpose of incorporating the amendment to s. 895.135, F.S., in references thereto; reenacting ss. 397.451(4)(b) and (6), 772.12(2)(a), 893.1351(1), and 903.133, F.S., relating to background checks of service provider personnel, the Drug Dealer Liability Act, the prohibition against leasing or renting for the purpose of trafficking in a controlled substance, and the limitation of admission to bail, respectively, for the purpose of incorporating the amendments to ss. 893.13 and 893.135, F.S., in references thereto; providing applicability; providing an effective date.

—was referred to the Committees on Health, Aging, and Long-Term Care; Criminal Justice; Appropriations Subcommittee on Criminal Justice; and Appropriations.

By Representative Smith—

HB 1281—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; creating an exemption from public records requirements; providing for the confidentiality of personal identifying information contained in records of current or former county attorneys, assistant county attorneys, municipal attorneys, and assistant municipal attorneys responsible for prosecuting violations of local codes and ordinances, and the spouses and children of those attorneys upon written request by the attorney, which must include verification that the attorney has received a work-related threat to his or her life, health, or safety or to the life, health, or safety of a member of his or her family;

providing for review and repeal; providing a statement of public necessity; providing an effective date.

—was referred to the Committees on Comprehensive Planning; Judiciary; Governmental Oversight and Productivity; and Rules and Calendar.

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 passed CS for CS for SB 44, SB 226, CS for CS for SB 562, CS for SB 702, CS for CS for SB 1060, SB 1620, CS for SB 1650, CS for SB 1678, SB 1684, SB 1728, CS for SB 1738, CS for SB 1790, CS for SB 1970, CS for SB 2306, CS for CS for SB 2480 and SB 2714.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 27 was corrected and approved.

CO-SPONSORS

Senators Aronberg—SB 2574, CS for SB 2938, CS for CS for CS for SB 2954; Clary—CS for CS for SB 1358; Cowin—CS for CS for CS for CS for SB 700, CS for SB 1122, CS for SB’s 2346 and 516; Fasano—SB 502, CS for CS for SB 1200; Haridopolos—SB 534, SB 1566 and Lynn—CS for SB 2552

Senator Wise withdrew as sponsor of SB 502.

RECESS

On motion by Senator Lee, the Senate recessed at 6:55 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Thursday, April 29 or upon call of the President.