



Journal of the Senate

Number 12—Regular Session

Wednesday, April 6, 2005

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CALL TO ORDER

The Senate was called to order by President Lee at 9:11 a.m. A quorum present—40:

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

PRAYER

The following prayer was offered by the Rev. Donald L. Roberts, President, Goodwill Industries-Manasota, Sarasota:

Holy and Eternal God: Well, here we are again, Lord, another session, another day, another opening prayer. And then, we are off to the busyness of the business of brokering the deals that get the votes that accumulate the majorities that create the legislation that the House will surely screw up, and the Governor may veto, and the people of Florida may have a constitutional amendment initiative to remind us who is really in charge.

Medicaid is eating our \$400 million lunch and Governor Bush wants it solved today. School class room size amendments are creating a crush of capital needs we haven't begun to figure out how to fund. A tsunami of population growth and rising real estate prices are making our growth management practices obsolete.

Senator Carlton has to manage the money, and Senator Bennett has a point of view on the Scripps Institute water supply. President Lee has to manage the unruly process, and Senator King is happy to be a has-been President.

So, Lord, please be patient with us, when our tempers flare. We don't get enough sleep. We eat all the wrong things, and we are picked to death by the lobbyists.

For Lord, we come to this place to do the business of the people of Florida; and in their name we welcome you to this Senate, to this Session, and into the midst of all our efforts to discern and do your will through this thing we call politics.

It ain't easy, Lord, it ain't easy, as Senator Sebesta knows. Pray for us. Amen.

PLEDGE

Senate Pages Heidi Ford of New Smyrna Beach; Courtney Gager of Havana; Evan Lieberman of Cooper City; James Sullivan of Plant City; and Gracie Maurer of Brandon, 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. Laurie Davies of Gainesville, sponsored by Senator Smith, as doctor of the day. Dr. Davies specializes in Anesthesiology.

ADOPTION OF RESOLUTIONS

On motion by Senator Dockery—

By Senators Dockery, Smith, Atwater, Rich, Campbell, Alexander, Pruitt, Constantine, Lynn and Argenziano—

SR 2700—A resolution recognizing April 6, 2005, as "University of Florida Day" in Tallahassee.

WHEREAS, the University of Florida, the largest and most comprehensive institution of higher learning in the state of Florida and the state's only university honored by membership in the prestigious Association of American Universities, has recently inaugurated its new president, Dr. J. Bernard Machen, and increasingly is recognized as an international leader in advancements in the arts, science, and medicine, and

WHEREAS, through an unrelenting resolve to promote excellence, the university attracts the best students in the state, the country, and the world, now ranking first among all public universities in the number of enrolled National Merit Scholars, ranking first for the number of National Achievement Scholars enrolled for the third year in a row, and again ranking first among all universities in the world in landing International Baccalaureate students, and

WHEREAS, the university is home to the finest faculty and staff to be found on any campus in Florida, where a record \$469.8 million in research and training grants was awarded in academic year 2003-2004, and where its overall accomplishments and quality of education earned the University of Florida a Top-5 ranking by Kiplinger Magazine in its most recent rankings, and

WHEREAS, the university, one of the top five largest in the United States, also is one of the most diverse in the number of academic programs at both the undergraduate and graduate levels, thus providing the state a center of education significant in size and scope to offer the full range of professional skills necessary for a 21st century society, and

WHEREAS, its service to the state is unrivaled, with its student enrollment representing all 67 Florida counties, and with the UF Institute of Food and Agricultural Sciences providing extension services to each Florida county, including the Tropical Research and Education Center at its Homestead office, and with the University's health-related clinics and research serving Floridians each day, such as the Hialeah Dental Clinic that provides vital dental care to the southeastern Florida community, and

WHEREAS, the University of Florida also excels in its student-athletic program, which has been a Top-Ten program nationally for the past 21 years, posting a program record 12 Top-Ten ranked teams, and was, once again in 2003-2004, the top-ranked Southeastern Conference varsity program for men and women, and whose chief cheerleader for three generations of Gator fans has been the indefatigable George “Mr. Two-Bits” Edmondson, and

WHEREAS, the University of Florida takes great pride in each community it serves, from the magnificent hospitality of greater Gainesville/Alachua County recently identified by Popular Science Magazine as one of the Top-30 “technologically advanced” in the nation, to the synergistic effort in Miami-Dade County which has made the New World School of the Arts a global resource for today’s artistic expression, and in Florida’s Panhandle region where UF’s Graduate Engineering Education Center, soon to be renamed the Research Engineering Education Facility, works closely with our national defense programs to create new technologies to protect our servicemen and women wherever they are deployed, NOW, THEREFORE,

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

That the Florida Senate celebrates April 6, 2005, as “University of Florida Day” in Tallahassee, in honor of the University of Florida’s singular contribution to its state, its nation, and throughout the world.

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

—was introduced out of order and read by title. On motion by Senator Dockery, **SR 2700** was read the second time in full and adopted.

On motion by Senator King—

By Senator King—

SR 2164—A resolution commending the Florida Goodwill Association for its contributions to the economic base of the State of Florida.

WHEREAS, Goodwill Industries, operating on the belief that productivity and vocation are cornerstones of life, and that all people have a right to be treated with dignity and respect without regard to race, gender, age, marital status, national origin, or state of health, is now the largest nonprofit provider of vocational training and employment services in the United States, and

WHEREAS, Goodwill Industries provides quality vocational training and employment services to people who are impaired by disabilities and to those who suffer other disadvantages, such as being undereducated or illiterate, welfare-dependent, or homeless, or having a criminal history, and

WHEREAS, through the 103 years of its existence, Goodwill Industries has successfully designed and implemented many innovative vocational training and employment programs, enabling millions of disabled and disadvantaged people to develop career opportunities and improve the quality of their lives, and

WHEREAS, between 2001 and 2004, 215,295 Floridians have participated in the programs administered by Goodwill Industries, and 52,422 of those participants have obtained gainful employment in the communities in which they live, and

WHEREAS, between 2001 and 2004, the Florida Goodwill Association, through nine local Goodwill Industries entities operating throughout Florida, collectively generated \$550,464,241 in earnings realized by people placed in community employment, resulting in a significant contribution to the state’s economic base and increasing its tax revenues, and

WHEREAS, Goodwill Industries of Florida provided \$1 million of in-kind donations to the Florida Hurricane Relief Fund, providing hurricane survivors with clothing and household items to assist affected Floridians recover from the 2004 hurricane season, NOW, THEREFORE,

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

That the Florida Senate commends the Florida Goodwill Association and honors the organization for its valued programs, which have expanded the opportunities and occupational capabilities of millions of Floridians and helped the state in its greatest time of need.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Mr. Fred Shelfer, President of the Florida Goodwill Association, as a tangible token of the sentiments of the Florida Senate.

—was introduced out of order and read by title. On motion by Senator King, **SR 2164** was read the second time in full and adopted.

On motion by Senator Campbell—

By Senator Campbell—

SR 2160—A resolution recognizing April 6, 2005, as “Broward Days Day” in Tallahassee.

WHEREAS, Broward Days is an independent, nonprofit, and nonpartisan group advocating for the diverse needs and concerns of Broward County, Florida, during an annual local legislative issues forum for the state, and

WHEREAS, Broward Days Tallahassee 2005 is April 5th and 6th, 2005, and

WHEREAS, Broward Days is one of the largest and most diverse organizations of its kind, with over 600 active community leaders and sponsors serving as a voice for issues and concerns of Broward County, and

WHEREAS, Broward Days’ effectiveness stems from the work of members who volunteer to lead legislative issues teams and the teams’ participants, and

WHEREAS, the teams’ objective is to improve the quality of life for all Floridians by advocating for issues of concern, and

WHEREAS, the following legislative issues teams are represented this year at Broward Days: 2-1-1 Community, Social Services & Disaster Information, Children’s Issues, Court Funding, Creative Industries and Film, Disabilities, Domestic Security, Economic Development, PreK-12 Education, Postsecondary Education, Education Workforce Development, Energy Conservation, Everglades Preservation, Growth Management, Health Care, Immigrant Issues, Insurance, Financial Services, and Health Insurance, Intangibles Tax, International Business & Trade, Juvenile Justice, Port Everglades, Technology, Women’s Issues, and the Broward League of Cities, and

WHEREAS, sponsors for Broward Days play a strong leadership role in shaping the future of Broward County and play a critical role in helping Broward Days reach Florida decisionmakers who can effect positive changes in our community, and

WHEREAS, Broward Days’ success is the result of cooperation between Broward Days, the Broward Legislative Delegation, and the Broward County Board of County Commissioners, and

WHEREAS, Broward County is home to 1.7 million residents, many of whom are immigrants from dozens of different countries, and

WHEREAS, Broward County celebrates the Year of the Environment in 2005, highlighting 300 miles of inland waterways, 23 miles of Blue Wave certified beaches, the exotic Everglades, and sunny skies year-round, and

WHEREAS, Broward County possesses an abundance of natural wonders, from the seagrass to the sawgrass, and

WHEREAS, Broward Days represents the diverse voices of Broward County on issues that matter to them, NOW, THEREFORE,

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

That April 6, 2005, is recognized as “Broward Days Day” in Tallahassee as the Senate welcomes and celebrates with the Broward Days participants at the State Capitol.

—was introduced out of order and read by title. On motion by Senator Campbell, **SR 2160** was read the second time in full and adopted.

At the request of Senator Hill—

By Senator Hill—

SR 248—A resolution honoring Florida's Legal Services and Legal Aid Attorneys and recognizing April 6, 2005, as "Legal Aid Day" in Tallahassee.

WHEREAS, more than 13 percent of all Floridians are living in poverty, and

WHEREAS, in passing the Florida Access to Civil Legal Assistance Act, the Florida Legislature has recognized the importance of civil legal assistance to the poor and the need to improve their access to justice, and

WHEREAS, in 1973, the Florida Bar and representatives of the Governor formed Florida Legal Services, Inc., to expand the availability of civil legal assistance to the poor in Florida, and

WHEREAS, Florida Legal Services, Inc., has become the lead organization for preserving and improving legal assistance to indigent and vulnerable Floridians through direct representation, legislative and administrative advocacy, training, technical support, and coordination of effort for the local legal services and legal aid offices that provide legal assistance in all of the state's 67 counties, and

WHEREAS, by working with local Legal Services and Legal Aid Attorneys throughout the state, and in conjunction with Florida legislators, Florida Legal Services, Inc., has successfully obtained legal protections for people moving from welfare to work, legal protection for Medicaid recipients, regulation of day-labor operations, legal protections for the homeless, legal protections for residential tenants, restrictions on predatory mortgage-lending practices, and landmark legislation regulating title loans and payday loans, and

WHEREAS, Florida's Legal Services and Legal Aid Attorneys demonstrate commitment, dedication, and excellence in securing access to justice for Florida's most vulnerable and needy residents, NOW, THEREFORE,

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

That April 6, 2005, is recognized as "Legal Aid Day" in Tallahassee in honor of the contributions that Legal Services and Legal Aid Attorneys have made and continue to make towards guaranteeing access to justice for the poor in Florida.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to each Legal Services and Legal Aid Attorney in this state as a token of the sentiments of the Florida Senate.

—**SR 248** was introduced, read and adopted by publication.

At the request of Senator Peadar—

By Senator Peadar—

SR 1236—A resolution commending the osteopathic physicians of this state and recognizing April 6, 2005, as Osteopathic Medicine Day.

WHEREAS, osteopathic physicians provide health care services that account for more than 100 million patient visits in this country each year, and

WHEREAS, this state has nine accredited osteopathic hospitals, two osteopathic medical colleges, and the fourth largest osteopathic physician population in the United States, and

WHEREAS, osteopathic manipulation of the musculoskeletal system is a viable and proven technique for many diagnoses and treatments and provides an alternative to many drug therapies, and

WHEREAS, osteopathic physicians provide comprehensive medical care, including preventive medicine, diagnoses, and the appropriate use of drugs, surgery, manipulation, and hospital referrals, NOW, THEREFORE,

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

That the Florida Senate commends the osteopathic physicians of this state for their contributions to the health and welfare of the residents of this state and recognizes April 6, 2005, as Osteopathic Medicine Day.

—**SR 1236** was introduced, read and adopted by publication.

At the request of Senator Smith—

By Senator Smith—

SR 2718—A resolution recognizing April 2005 as "Organ and Tissue Donation Awareness Month" and encouraging Floridians to become a part of the Florida Organ and Tissue Donor Registry.

WHEREAS, the Florida Senate recognizes the contributions made every day by families, family members, donor organizations, and private individuals in prolonging life and the quality of life of fellow human beings through organ and tissue donations, and

WHEREAS, organ and tissue donation is encouraged if government and private entities work together to provide educational tools that encourage family discussions and encourage individuals to make conscious choices concerning the disposition of their organs and tissue, and

WHEREAS, in the United States more than 87,000 individuals are on the National Organ Donor Waiting List, and

WHEREAS, Florida currently has more than 3,000 individuals on the National Organ Donor Waiting List, and

WHEREAS, on average, 18 people die each day because of a lack of donated organs and tissue, and

WHEREAS, the Florida Senate recognizes the dedication, selflessness, and contributions of donor families who choose to provide the ultimate "Gift of Life" so that others might live or have a better quality of life, NOW, THEREFORE,

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

That April 2005 is recognized as "Organ and Tissue Donation Awareness Month" in the State of Florida, and all residents of this state are urged to have family discussions encouraging family members to become part of the Florida Organ and Tissue Donor Registry.

—**SR 2718** was introduced, read and adopted by publication.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has returned as requested CS for SB 62.

John B. Phelps, Clerk

CS for SB 62—A bill to be entitled An act relating to services for seniors and adults with developmental disabilities; authorizing each county to create an independent special district to provide funding for services for seniors and adults with developmental disabilities; requiring approval by referendum at the next general election to annually levy ad valorem taxes not to exceed a certain maximum; creating a governing board for the special district; specifying criteria for membership to the governing board; providing terms of office; clarifying that a county may provide services for seniors and adults with developmental disabilities or create a special district to provide such services by general or special law; specifying the powers and functions of a council on services for seniors and adults with developmental disabilities; requiring each council to appoint a chair and a vice chair and elect officers, to identify and

assess the needs of the seniors and adults with developmental disabilities in the county served by the council, to provide training and orientation to new members of the council, to make and adopt bylaws and rules for the council's operation and governance, and to provide an annual written report to the governing body of the county; requiring the council to maintain minutes of each meeting and to serve without compensation; requiring the council to prepare a tentative annual budget and to compute a millage rate to fund the tentative budget; requiring that all tax moneys collected be paid directly to the council on services for seniors and adults with developmental disabilities by the tax collector of the county and deposited in qualified public depositories; specifying expenditures of funds; requiring the council to prepare and file a financial report with the governing body of the county; providing that a district may be dissolved by a special act of the Legislature or by ordinance by the governing body of the county; specifying obligations of the county if a district is dissolved; authorizing the governing body of a county to fund the budget of the council on services for seniors and adults with developmental disabilities from its own funds after or during the council's first year of operation; requiring a special district to comply with statutory requirements related to the filing of a financial or compliance report; authorizing a county to create a dependent special district to provide certain services for seniors and adults with developmental disabilities; authorizing the district to seek grants and accept donations from public and private sources; providing legislative intent with respect to the use of funds collected by a council on services for seniors and adults with developmental disabilities; providing that two or more councils on services for seniors and adults with developmental disabilities may enter into a cooperative agreement to share administrative costs, staff, and office space and seek grants, accept donations, or jointly fund programs serving multicounty areas; prohibiting councils or districts from requiring matching funds from certain service providers as a condition for the provision of services by the council or district; providing an effective date.

RECONSIDERATION OF BILL

On motion by Senator Campbell, the rules were waived and the Senate reconsidered the vote by which—

CS for SB 62—A bill to be entitled An act relating to services for seniors and adults with developmental disabilities; authorizing each county to create an independent special district to provide funding for services for seniors and adults with developmental disabilities; requiring approval by referendum at the next general election to annually levy ad valorem taxes not to exceed a certain maximum; creating a governing board for the special district; specifying criteria for membership to the governing board; providing terms of office; clarifying that a county may provide services for seniors and adults with developmental disabilities or create a special district to provide such services by general or special law; specifying the powers and functions of a council on services for seniors and adults with developmental disabilities; requiring each council to appoint a chair and a vice chair and elect officers, to identify and assess the needs of the seniors and adults with developmental disabilities in the county served by the council, to provide training and orientation to new members of the council, to make and adopt bylaws and rules for the council's operation and governance, and to provide an annual written report to the governing body of the county; requiring the council to maintain minutes of each meeting and to serve without compensation; requiring the council to prepare a tentative annual budget and to compute a millage rate to fund the tentative budget; requiring that all tax moneys collected be paid directly to the council on services for seniors and adults with developmental disabilities by the tax collector of the county and deposited in qualified public depositories; specifying expenditures of funds; requiring the council to prepare and file a financial report with the governing body of the county; providing that a district may be dissolved by a special act of the Legislature or by ordinance by the governing body of the county; specifying obligations of the county if a district is dissolved; authorizing the governing body of a county to fund the budget of the council on services for seniors and adults with developmental disabilities from its own funds after or during the council's first year of operation; requiring a special district to comply with statutory requirements related to the filing of a financial or compliance report; authorizing a county to create a dependent special district to provide certain services for seniors and adults with developmental disabilities; authorizing the district to seek grants and accept donations from public and private sources; providing legislative intent with respect to the use of funds collected by a council on services for seniors and adults with

developmental disabilities; providing that two or more councils on services for seniors and adults with developmental disabilities may enter into a cooperative agreement to share administrative costs, staff, and office space and seek grants, accept donations, or jointly fund programs serving multicounty areas; prohibiting councils or districts from requiring matching funds from certain service providers as a condition for the provision of services by the council or district; providing an effective date.

—as amended passed March 18.

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

Amendment 1 (961638)—On page 3, delete line 25 and insert: *majority vote of those electors voting on the*

On motions by Senator Campbell, **CS for SB 62** as amended was passed, ordered engrossed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Alexander

Yea to Nay—Haridopolos

BILLS ON THIRD READING

On motion by Senator Crist, by two-thirds vote **HB 625** was withdrawn from the Committees on Transportation; and Community Affairs.

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

HB 625—A bill to be entitled An act relating to abandonment of roads; amending s. 316.006, F.S.; conforming a cross reference; transferring and renumbering s. 316.00825, F.S., relating to a county's authority to close and abandon roads and rights-of-way and convey the county's interest to a homeowners' association; providing an effective date.

—a companion measure, was substituted for **CS for SB 1130** and by two-thirds vote read the second time by title. On motion by Senator Crist, 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	Crist	Lawson
Alexander	Dawson	Lynn
Argenziano	Diaz de la Portilla	Margolis
Aronberg	Dockery	Miller
Atwater	Fasano	Peaden
Baker	Garcia	Posey
Bennett	Geller	Pruitt
Bullard	Haridopolos	Rich
Campbell	Hill	Saunders
Carlton	Jones	Sebesta
Clary	King	Siplin
Constantine	Klein	Smith

Villalobos Wilson Wise
Webster
Nays—None

The Senate resumed consideration of—

SB 878—A bill to be entitled An act relating to the advertisement of real or personal property with delinquent taxes; amending s. 197.402, F.S.; reducing the number of required advertisements for certain tax certificate sales; specifying a minimum time period for such advertisement prior to a sale; amending s. 197.403, F.S.; revising the requirement for transmitting a copy of the published notice; providing an effective date.

—which was previously considered March 31.

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

Amendment 1 (704450)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (5) is added to section 197.402, Florida Statutes, to read:

197.402 Advertisement of real or personal property with delinquent taxes.—

(5) Notwithstanding the provisions of this section, the counties of Lake, Marion, Seminole, and Sumter shall enter into a pilot program for the next two full property tax cycles. During this time the tax collector in each county shall, in lieu of the advertisement required in subsection (3), advertise once at least 21 days prior to a sale under that subsection. At the end of this 2-year pilot program, the tax collector in each of the counties named in this subsection shall submit a report to the President of the Senate and the Speaker of the House of Representatives, on or before October 1, 2007, which compares the effectiveness of single publication versus the effectiveness of triple publication by listing the number and percentage of properties on which delinquent taxes were paid after the single publication in comparison to the number and percentage of properties on which delinquent taxes were paid after three publications.

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

And the title is amended as follows:

On page 1, lines 4-10, delete those lines and insert: amending s. 197.402, F.S.; creating a pilot program for certain counties to study the effectiveness of current legislation that governs the advertisement of real or personal property with delinquent taxes; providing requirements for the pilot program; requiring the tax collector of each county to report to the Legislature on the results of the pilot program; providing an effective date.

On motion by Senator Baker, SB 878 as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Mr. President Diaz de la Portilla Peadar
Alexander Dockery Posey
Aronberg Fasano Pruitt
Atwater Garcia Rich
Baker Geller Saunders
Bennett Haridopolos Sebesta
Bullard Hill Siplin
Campbell Jones Smith
Carlton King Villalobos
Clary Klein Webster
Constantine Lawson Wilson
Crist Margolis Wise
Dawson Miller
Nays—2
Argenziano Lynn

On motion by Senator Dockery, by two-thirds vote HB 331 was withdrawn from the Committees on Environmental Preservation; and Community Affairs.

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

HB 331—A bill to be entitled An act relating to inland lakes and canals; amending s. 327.40, F.S.; exempting from permitting requirements the placement of informational markers on inland lakes and associated canals by counties, municipalities, or other governmental entities; providing requirements for placement of such markers; specifying that placement of informational markers on state submerged lands does not subject such lands to specified lease requirements; providing an effective date.

—a companion measure, was substituted for SB 772 and by two-thirds vote read the second time by title. On motion by Senator Dockery, by two-thirds vote HB 331 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 Rich
Atwater Geller Saunders
Baker Haridopolos Sebesta
Bennett Hill Siplin
Bullard Jones Smith
Campbell King Villalobos
Carlton Klein Webster
Clary Lawson Wilson
Constantine Lynn Wise
Crist Margolis
Dawson Miller

Nays—None

SPECIAL ORDER CALENDAR

On motion by Senator Sebesta—

CS for SB 2646—A bill to be entitled An act relating to lobbying; amending s. 11.045, F.S., relating to the requirements that legislative lobbyists register and report as required by legislative rule; defining the term "compensation"; requiring each registrant who is a designated lobbyist to identify the industry group classification that describes the principal; requiring that each registrant designate the general and specific areas of the principal's legislative interest; requiring the disclosure of all compensation provided or owed to a legislative lobbyist; requiring lobbying activity reports to include the name and address of each person to whom a lobbying expenditure was made, the amount, date, and purpose of the expenditure, and the name and title of the person for whom the expenditure was made; requiring that expenditures made as open invitations be so designated; requiring that each legislative lobbyist report the areas of the principal's legislative interest which were lobbied during the reporting period; requiring a report of the amount of time spent on each category; requiring detailed written descriptions of specific issues lobbied; requiring the Division of Legislative Information Services to aggregate certain compensation and expenditure information; revising the period for filing reporting statements; requiring that a lobbyist and principal preserve certain records for a specified period; providing for inspection of such records by a representative of the Legislature; providing for audits by the Auditor General; providing for enforcement of the right of inspection by writ; authorizing legislative committees to investigate persons engaged in legislative or executive lobbying; requiring that lobbying-activity reports be electronically filed; creating s. 11.0455, F.S.; defining the term "electronic filing system"; providing requirements for lobbyists filing reports with the Division of Legislative Information Services by means of the division's electronic filing system; providing that such reports are considered to be under oath; providing requirements for the electronic filing system; providing for the Legislature to adopt rules to administer the electronic filing system; requiring alternate filing procedures; requiring the issuance of electronic receipts; requiring that the division provide for public access to

the data that is filed via the Internet; amending s. 11.45, F.S.; requiring that the Auditor General conduct random audits of the activity reports filed by legislative and executive lobbyists; granting the Auditor General independent authority to audit the accounts and records of any principal or lobbyist with respect to compliance with the compensation-reporting requirements; requiring that the audit reports be forwarded to the Legislature; amending s. 112.3215, F.S., relating to the requirements that executive branch and Constitution Revision Commission lobbyists register and report; defining the term "compensation"; requiring each lobbyist who is a designated lobbyist to identify the industry group classification that describes the principal; requiring that each lobbyist designate the general and specific areas of the principal's legislative interest; requiring the disclosure of all compensation provided or owed to a lobbyist; requiring lobbying activity reports to include the name and address of each person to whom a lobbying expenditure was made, the amount, date, and purpose of the expenditure and the name, title, and agency of the person for whom the expenditure was made; requiring that each lobbyist report the areas of the principal's lobbying interest which were lobbied during the reporting period; requiring a report of the amount of time spent on each category; requiring detailed written descriptions of specific issues lobbied; requiring the Commission on Ethics to aggregate certain compensation and expenditure information; revising the period for filing reporting statements; requiring that a lobbyist and principal preserve certain records for a specified period; providing for inspection of such records by a representative of the commission; providing for audits by the Auditor General; providing for enforcement of the right of inspection by writ; requiring that lobbying-activity reports be electronically filed; creating s. 112.32155, F.S.; defining the term "electronic filing system"; providing requirements for lobbyists filing reports with the Florida Commission on Ethics by means of the electronic filing system; providing that such reports are considered to be under oath; providing requirements for the electronic filing system; providing for the commission to adopt rules to administer the electronic filing system; requiring alternate filing procedures; requiring the issuance of electronic receipts; requiring that the commission provide for public access to the data that is filed via the Internet; specifying the initial reporting period that is subject to the requirements of the act; providing effective dates.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2646** was placed on the calendar of Bills on Third Reading.

On motion by Senator Sebesta—

CS for SB 2644—A bill to be entitled An act relating to public records and open meetings; amending s. 11.0431, F.S.; creating an exemption from public-records requirements for user identification and passwords held by the Division of Legislative Information Services pursuant to s. 11.0455, F.S.; creating a temporary exemption from public-records requirements for reports and files stored in the electronic filing system pursuant to s. 11.0455, F.S.; creating s. 112.32156, F.S.; creating an exemption from public-records requirements for user identifications and passwords held by the Commission on Ethics pursuant to s. 112.32155, F.S.; creating a temporary exemption from public-records requirements for reports and files stored in the electronic system pursuant to s. 112.32155, F.S.; providing for future legislative review and repeal under the Open Government Sunset Review Act; amending s. 112.3215, F.S.; creating a temporary exemption from public-records and open-meetings requirements for records relating to the compensation-reporting audit and investigation of possible lobbying compensation reporting violations and for meetings held pursuant to an investigation or at which a compensating-reporting audit is discussed; providing for future legislative review and repeal under the Open Government Sunset Review Act; providing findings of public necessity; providing a contingent effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2644** was placed on the calendar of Bills on Third Reading.

On motion by Senator Margolis—

SB 96—A bill to be entitled An act relating to protection and care for elders; amending s. 825.102, F.S.; reclassifying the offense of aggravated

abuse of an elderly person or disabled adult from a second-degree felony to a first-degree felony; amending s. 921.0022, F.S., relating to the offense severity ranking chart of the Criminal Punishment Code, to conform; creating s. 943.17296, F.S., relating to training on identifying and investigating elder abuse for certified law enforcement officers; requiring that the training be completed by a time certain; providing that an officer's certification becomes inactive in certain circumstances related to the failure to complete the training; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 96** was placed on the calendar of Bills on Third Reading.

On motion by Senator Lynn—

CS for SB 690—A bill to be entitled An act relating to immunizations; prohibiting vaccinating a woman who is knowingly pregnant or a child who is younger than a specified age with a vaccine that contains any mercury or injecting such a woman or child with a product that contains more than a specified amount of mercury; prohibiting vaccinating a woman who is knowingly pregnant or a child under a specified age with an influenza vaccine that contains more than a specified amount of mercury; providing the effective date of such prohibitions; providing for the State Health Officer to authorize the use of vaccines that contain a greater amount of mercury than is otherwise allowed if the Secretary of Health declares a public health emergency and makes certain findings; providing exceptions to the prohibition following disclosure regarding certain risks and benefits; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 690** was placed on the calendar of Bills on Third Reading.

INTRODUCTION OF FORMER SENATOR

Senator Villalobos introduced former Senator Debby Sanderson who was present in the chamber.

On motion by Senator Atwater—

CS for SJR 2144—A joint resolution proposing amendments to Section 19 of Article III of the State Constitution, relating to requirements for state budget planning, spending, and accountability.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SJR 2144** was placed on the calendar of Bills on Third Reading.

On motion by Senator Atwater—

CS for SB 2146—A bill to be entitled An act relating to state planning and budgeting; amending s. 11.90, F.S.; revising the membership of the Legislative Budget Commission; providing for the appointment of presiding officers; revising requirements for meetings and a quorum; revising requirements for appointing the staff of the commission; requiring the commission to review budget amendments proposed by the Governor or Chief Justice; authorizing the commission to perform other duties prescribed by the Legislature; creating s. 11.91, F.S.; creating the Government Efficiency Task Force for the purpose of recommending improvements to governmental operations and reducing costs; providing for the Governor, the President of the Senate, and the Speaker of the House of Representatives to appoint its members; requiring that the task force meet at 4-year intervals beginning on a specified date; authorizing the task force to conduct meeting through teleconferences; providing for members to be reimbursed for per diem and travel expenses; requiring the task force to complete its work within 1 year and report to the Legislative Budget Commission, the Governor, and the Chief Justice of the Supreme Court; amending s. 29.0095, F.S.; requiring the legislative appropriations committees to prescribe the format of budget expenditure reports; amending s. 110.1245, F.S., relating to the savings

sharing program; correcting a reference; amending s. 216.011, F.S.; redefining the term "consultation" and defining the term "long-range financial outlook" for purposes of state fiscal affairs; creating s. 216.012, F.S.; providing requirements for the long-range financial outlook prepared by the commission; requiring state agencies to provide certain information; specifying timeframes for state agencies and the commission in developing and completing the long-range financial outlook; amending s. 216.023, F.S.; clarifying certain requirements for legislative budget instructions; amending s. 216.065, F.S.; requiring fiscal impact statements to be provided to the Legislative Budget Commission in addition to the legislative appropriations committees; requiring that such statements contain information concerning subsequent fiscal years; amending s. 216.162, F.S.; revising the date for the Governor's recommended budget to be furnished to the Legislature; authorizing the presiding officers of the Legislature to approve submission of the Governor's recommended budget at a later date than otherwise required; amending s. 216.178, F.S.; extending the deadline for production of the final budget; amending s. 216.262, F.S., relating to the transfer of positions; correcting a reference; providing a contingent effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2146** was placed on the calendar of Bills on Third Reading.

On motion by Senator Miller—

CS for SB 748—A bill to be entitled An act relating to fire hydrants; amending s. 633.065, F.S.; requiring owners of fire hydrants to test hydrants in accordance with national standards; requiring nonfunctioning privately owned hydrants to be reported and repaired; providing fines for noncompliance; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 748** was placed on the calendar of Bills on Third Reading.

On motion by Senator Argenziano—

CS for CS for SB 1146—A bill to be entitled An act relating to purchasing and procurement; providing definitions; authorizing the Department of Management Services to establish the Center for Efficient Government; providing for the powers and duties of the center; prescribing duties of a state agency before a service may be outsourced; requiring agencies to do a business case analysis; specifying the requirements for the analysis; requiring that an agency submit the proposed business case with the agency's legislative budget request; prescribing the process for approval if the outsourcing is not included in the agency's approved operating budget; prohibiting an agency from privatizing a service without specific legislative authorization; prescribing contract requirements for a contract that meets or exceeds a specified threshold amount; authorizing a contract to include certain incentives; providing requirements for a contract that exceeds \$1 million in value; providing a process for a state agency to submit to the Executive Office of the Governor certain contract amendments for approval; requiring approval of the Administration Commission under certain circumstances; creating s. 215.4211, F.S.; authorizing the Chief Financial Officer to review contracts for state agencies; repealing s. 14.203, F.S., relating to the State Council on Competitive Government; providing appropriations and authorizing positions; providing restrictions on contractor supervision of state employees; providing restrictions on contractor involvement in state procurement; providing an effective date.

—was read the second time by title.

SENATOR WEBSTER PRESIDING

Senator Argenziano moved the following amendments which were adopted:

Amendment 1 (741192)—On page 2, after line 31, insert:

(g) *The provisions of this section shall not apply to contracts in support of the planning, development, implementation, operation or maintenance*

of the road, bridge, and public transportation construction program of the Department of Transportation.

Amendment 2 (774982)—On page 6, lines 13-16, delete those lines and insert: *Statutes. Prior to approval in the General Appropriations Act, the agency may initiate the procurement process pursuant to section 287.057, Florida Statutes, however, only upon approval in the General Appropriations Act, may the agency complete contract execution pursuant to section 287.057, Florida Statutes.*

Pursuant to Rule 4.19, **CS for CS for SB 1146** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

CS for CS for CS for SB 1476—A bill to be entitled An act relating to the Department of Children and Family Services; providing legislative intent with respect to establishing a structure by which the department shall monitor and manage contracts with external service providers; providing definitions; requiring the department to competitively procure certain commodities and contractual services; requiring the department to allow all public postsecondary institutions to bid on contracts intended for any public postsecondary institution; authorizing the department to competitively procure and contract for systems of treatment or service that involve multiple providers; providing requirements if other governmental entities contribute matching funds; requiring that an entity providing matching funds must comply with certain procurement procedures; authorizing the department to independently procure and contract for treatment services; requiring that the department develop a validated business case before outsourcing any service or function; providing requirements for the business case; requiring that the validated business case be submitted to the Legislature for approval; requiring that a contractual service that has previously been outsourced be subject to the requirements for a validated business case; requiring that a procurement of contractual services equal to or in excess of the threshold amount for CATEGORY FIVE comply with specified requirements, including a scope of work and performance standards; authorizing the department to adopt incremental penalties by rule; authorizing the department to include cost-neutral, performance-based incentives in a contract; requiring multiyear contracts unless justification is provided; requiring that a contract in excess of \$1 million be negotiated by a contract negotiator who is certified according to standards established by the Department of Management Services; limiting circumstances under which the department may amend a contract; requiring that a proposed contract amendment be submitted to the Executive Office of the Governor for approval; requiring approval of a contract amendment by the Administration Commission under certain circumstances; requiring the department to verify that contractual terms have been satisfied before renewing a contract; requiring certain documentation; requiring the department to develop, in consultation with the Department of Management Services, contract templates and guidelines; requiring that the department establish a contract-management process; specifying the requirements for and components of the contract-management process; providing requirements for resolving performance deficiencies and terminating a contract; requiring a corrective-action plan under certain circumstances; requiring the department to develop standards of conduct and disciplinary actions; requiring that the department establish contract-monitoring units and a contract-monitoring process; requiring written reports; requiring on-site visits for contracts involving the provision of direct client services; requiring the department to make certain documents available to the Legislature; requiring the department to create an electronic database to store the documents; prohibiting contractors from performing certain functions; amending s. 402.73, F.S.; requiring the Agency for Persons with Disabilities to implement systems to ensure quality and fiscal integrity of programs in the developmental services Medicaid waiver system; providing an exemption for health services from competitive bidding requirements; amending s. 409.1671, F.S.; conforming provisions to changes made by the act; requiring that the Office of Program Policy Analysis and Government Accountability conduct two reviews of the contract-management and accountability structures of the department and report to the Legislature and the Auditor General; repealing s. 402.72, F.S., relating to contract-management requirements for the Department of Children and Family Services; providing an appropriation; providing an effective date.

—was read the second time by title.

MOTION

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

Senator Campbell moved the following amendment which was adopted:

Amendment 1 (410086)—On page 10, lines 8-12, delete those lines and insert: *Florida Statutes. Prior to approval in the General Appropriations Act, the agency may initiate the procurement process pursuant to section 287.057, Florida Statutes. However, only upon approval in the General Appropriations Act may the agency complete contract execution pursuant to section 287.057, Florida Statutes.*

Pursuant to Rule 4.19, **CS for CS for CS for SB 1476** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

INTRODUCTION OF FORMER SENATOR

Senator Dawson introduced former Senator Howard Forman who was present in the chamber.

On motion by Senator Argenziano—

CS for CS for SB 1494—A bill to be entitled An act relating to information technology management; providing legislative intent that each state agency use a governance process and structure for managing its information technology operations and investments in order to ensure alignment with the business needs and policy requirements of the agency; providing definitions; providing a governance process for information technology which includes management of the agency's information technology portfolio along with project management; specifying the purpose of information technology portfolio management; requiring each agency to submit its information technology portfolio as part of its legislative budget request; requiring that agencies implement and administer a project management methodology; requiring that each agency implement a management process; amending s. 20.22, F.S.; renaming an office within the Department of Management Services; repealing s. 110.205(2)(e) and (w), F.S., relating to personnel of the State Technology Office; repealing s. 186.022, F.S., relating to information technology strategic plans; repealing s. 216.292(1)(c), F.S., relating to transfer of positions or appropriations for fiscal year 2001-2002; amending s. 282.0041, F.S.; revising definitions; repealing s. 282.005, F.S., relating to legislative findings and intent concerning information technology; creating s. 282.0055, F.S.; prohibiting the Department of Management Services and the Florida Technology Council from taking certain actions with respect to the information technology personnel of cabinet officers; amending s. 282.102, F.S.; eliminating the State Technology Office and transferring responsibilities of the office to the Department of Management Services; revising various responsibilities relating to information technology; amending ss. 282.103, 282.104, 282.105, 282.106, and 282.107, F.S.; transferring responsibilities relating to the SUNCOM Network from the State Technology Office to the Department of Management Services; amending ss. 282.1095 and 282.111, F.S.; transferring responsibilities relating to various law enforcement radio systems from the office to the department; amending s. 282.20, F.S.; revising the duties of the Technology Resource Center; amending s. 282.21, F.S.; transferring authorization to collect fees for provision of remote electronic access services from the office to the department; amending s. 282.22, F.S.; transferring responsibilities relating to production, dissemination, and ownership of various materials or products from the office to the department; repealing s. 282.23, F.S., relating to the State Strategic Information Technology Alliance; creating s. 282.3025, F.S.; creating the Florida Technology Council within the Department of Management Services; providing for the State Technology Officer to head the council; requiring that the council develop a statewide information technology strategic plan, in consultation with the Agency Chief Information Officers Council; providing requirements for the plan; requiring that the council assist state agencies in implementing the information technology portfolio management process; requiring the council to provide status reports to the Administration Commission; amending s. 282.3031, F.S.; deleting provisions assigning responsibility for information resources management to the State Technology Office; repealing s.

282.3055, F.S., relating to personnel of the State Technology Office; repealing s. 282.3063, F.S., relating to the Agency Annual Enterprise Resource Planning and Management Report; repealing s. 282.310, F.S., relating to the State Annual Report on Enterprise Resource Planning and Management; amending s. 282.315, F.S.; revising certain duties of the Agency Chief Information Officers Council; specifying an additional responsibility; amending s. 282.318, F.S.; transferring various responsibilities relating to security of data and information technology resources from the State Technology Office to each agency head or the Department of Management Services; repealing s. 282.322(2), F.S., relating to information technology projects identified as high-risk; amending s. 287.042, F.S.; transferring responsibilities from the State Technology Office to the Department of Management Services; deleting provisions requiring consultation between the department and the office; repealing s. 287.057(24), F.S., relating to strategic information technology alliances; amending s. 445.049, F.S.; transferring responsibilities relating to the Digital Divide Council from the State Technology Office to the Department of Management Services or the secretary of the department; providing an appropriation and authorizing positions; requiring that certain notice with respect to budget actions be given to the Legislative Budget Commission; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 1494** was placed on the calendar of Bills on Third Reading.

On motion by Senator Pruitt—

SB 1858—A bill to be entitled An act relating to standards of conduct for public officers; amending s. 112.313, F.S.; prohibiting members of the Board of Governors of the State University System and members of a board of trustees of a local constituent university from representing principals before the Legislature; providing an effective date.

—was read the second time by title.

Senator King moved the following amendment:

Amendment 1 (954766)(with title amendment)—On page 2, lines 6-10, delete those lines and insert: *citizen member of the Board of Governors of the State University System, nor any citizen member of a board of trustees of a local constituent university, shall be principally employed as a legislative lobbyist requiring annual registration and reporting pursuant to s. 11.045.*

And the title is amended as follows:

On page 1, lines 4-8, delete those lines and insert: prohibiting citizen members of the Board of Governors of the State University System and citizen members of a board of trustees of a local constituent university from being principally employed as a legislative lobbyist, as specified; providing an effective date.

Senator Villalobos offered the following substitute amendment which was moved by Senator Pruitt and adopted:

Amendment 2 (621990)(with title amendment)—On page 2, lines 5-10, delete those lines and insert:

(17) **BOARD OF GOVERNORS AND BOARDS OF TRUSTEES.**—*No citizen member of the Board of Governors of the State University System, nor any citizen member of a board of trustees of a local constituent university, shall have or hold any employment or contractual relationship as a legislative lobbyist requiring annual registration and reporting pursuant to section 11.045, Florida Statutes.*

And the title is amended as follows:

On page 1, lines 4-8, delete those lines and insert: prohibiting citizen members of the Board of Governors of the State University System and citizen members of a board of trustees of a local constituent university from representing principals before the Legislature; providing an effective date.

Pursuant to Rule 4.19, **SB 1858** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Geller—

SB 450—A bill to be entitled An act relating to unfair insurance practices; amending s. 626.9541, F.S.; providing that certain rate increases for motor vehicle insurance for insureds on active military service constitute unfair practices; providing penalties; providing an effective date.

—was read the second time by title.

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

Amendment 1 (860120)(with title amendment)—On page 1, lines 26 and 27, delete “*applicant for coverage was*” and insert: *applicant for coverage or his or her covered dependents were*

And the title is amended as follows:

On page 1, line 6, after “service” insert: , and their covered dependents,

Pursuant to Rule 4.19, **SB 450** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Dockery—

SB 868—A bill to be entitled An act relating to installations honoring military veterans and their families; providing a short title; providing purpose; authorizing the Department of Transportation to contract with a group or organization for the installation and maintenance of memorials at rest stops; providing for a committee to approve proposals for the contracts; providing for membership and terms of members of the committee; requiring approval by the committee for such contracts; providing conditions for approval; requiring that the group or organization be responsible for costs; requiring that the group or organization provide a bond to secure certain costs; providing an effective date.

—was read the second time by title.

Senator Dockery moved the following amendments which were adopted:

Amendment 1 (871110)(with title amendment)—On page 1, lines 28-31, delete those lines and insert:

Section 3. *The Department of Transportation is authorized to enter into contract with any not-for-profit group or organization that has been operating for not less than 2 years for the installation of monuments and memorials honoring Florida’s military veterans at highway rest areas around the state pursuant to the provisions of this section.*

And the title is amended as follows:

On page 1, lines 6-8, delete those lines and insert: with a not-for-profit group or organization for the installation of plaques, markers, monuments, memorials, or various retired military equipment at rest stops; providing for a committee to

Amendment 2 (250556)(with title amendment)—On page 2, lines 13-25, delete those lines and insert: *sacrifices made by them and their families.*

(3) *The group or organization making the proposal shall be responsible for all costs of the monument and its installation.*

(4) *The group or organization making the proposal shall provide a 10-year bond securing the cost of removal of the monument and any modifications made to the site as part of the placement of the monument should the Department of Transportation determine it necessary to remove or relocate the monument. Such removal or relocation shall be approved by the committee described in subsection (1). Prior to expiration, the bond shall be renewed for another 10-year period if the*

And the title is amended as follows:

On page 1, lines 13 and 14, delete those lines and insert: approval; providing that the group or organization shall be responsible for costs;

Pursuant to Rule 4.19, **SB 868** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Geller—

CS for SB 1312—A bill to be entitled An act relating to the recreational vehicles; amending s. 479.261, F.S.; requiring the Department of Transportation to incorporate certain markers on logo signs for certain establishments; requiring the department to adopt rules regarding the incorporation of those markers; amending s. 681.1096, F.S.; eliminating future termination of the program; revising requirements for program certification to ensure neutrality of dispute resolution; providing guidelines for the training of arbitrators and mediators; providing that the program must complete all mediation and arbitration within 70 days after receipt of the consumer’s claim; requiring the program to gather and make available all documents relevant to a dispute; providing consumer exemption from mediation when at least one manufacturer does not qualify for the program; authorizing the Department of Legal Affairs to revoke the qualification of a noncompliant program; providing for notice to programs and manufacturers not in compliance, for opportunity to correct deficiencies, and for administrative hearings; requiring the program to maintain dispute records; creating an annual reporting requirement; providing the program with rulemaking authority to implement provisions of this section; amending s. 681.1097, F.S.; providing and revising dispute resolution guidelines for consumers of recreational vehicles; requiring consumers to submit their dispute to the program; providing that the claim is considered filed when it is date-stamped as received by the program; requiring the consumer’s application form to be prescribed by the program; requiring the program administrator to screen all applications to determine eligibility; requiring the program administrator to provide notice of rejected applications; providing for mandatory mediation and the expansion of the scope of mediation at the consent of the parties; providing guidelines for mediation proceedings; requiring written response of manufacturers to consumer allegations; removing requirement that the program administrator notify the department of the mediation outcome; extending the deadline for consumer notification to the program administrator of a manufacturer’s failure to comply with a mediation decision; revising guidelines for arbitration proceedings; providing that technical rules of evidence do not apply to arbitration proceedings; providing for the expansion of the scope of arbitration at the consent of the parties; requiring the arbitrator’s decision to consider all legal and equitable factors; providing consumers with means for civil enforcement of an award; extending the deadline for consumer notification to the program administrator of a manufacturer’s failure to comply with an arbitration decision; providing that the arbitrator’s decision is admissible as evidence in certain civil actions; providing an effective date.

—was read the second time by title.

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

Amendment 1 (833738)—On page 4, lines 10 and 11, delete those lines and insert: *marker must consist of a design approved by the Federal Highway Administration. The department shall adopt rules in*

Pursuant to Rule 4.19, **CS for SB 1312** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **SB 1352** was deferred.

On motion by Senator King—

CS for CS for SB 1114—A bill to be entitled An act relating to restaurants licensed to sell wine on the premises; creating s. 564.09, F.S.; authorizing a restaurant patron to remove a resealed wine container from a restaurant for off-premise consumption; amending s. 316.1936, F.S.; providing that a resealed wine container is not an open container for purposes of the prohibition against possessing an open container of alcohol in a motor vehicle; providing an effective date.

—was read the second time by title.

Senator King moved the following amendment which was adopted:

Amendment 1 (405866)—On page 2, lines 4 and 5, delete those lines and insert: *glove compartment, a locked trunk, or the area behind the last upright seat of a motor vehicle that is not equipped with a trunk.*

Pursuant to Rule 4.19, **CS for CS for SB 1114** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Aronberg—

SB 1352—A bill to be entitled An act relating to the Florida Inland Navigation District; amending s. 374.984, F.S.; providing responsibility and authority of the Board of Commissioners of the Florida Inland Navigational District with respect to that portion of the Okeechobee Waterway located in Martin and Palm Beach Counties; revising the list of acts authorizing and directing the improvement and maintenance of the Intracoastal Waterway and that portion of the Okeechobee Waterway located in Martin and Palm Beach Counties; providing an exception for maintaining the navigability of the Okeechobee Waterway under certain circumstances; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1352** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bennett—

CS for SB 732—A bill to be entitled An act relating to motor vehicles; providing a popular name; creating the “Road Rage Reduction Act”; providing legislative intent; amending s. 316.081, F.S.; requiring operators of motor vehicles to drive in the right-hand lane on certain highways; providing exceptions; providing penalties for violation; amending s. 322.27, F.S.; correcting a cross-reference; providing for the assessment of points for violating specified provisions that require operators of motor vehicles to drive on the right side of the road; requiring the Department of Highway Safety and Motor Vehicles to provide an educational awareness campaign; providing an effective date.

—was read the second time by title.

Senator Bennett moved the following amendment which was adopted:

Amendment 1 (134694)(with title amendment)—On page 1, line 27 through page 5, line 23, delete those lines and insert:

Section 3. Effective January 1, 2006, section 316.081, Florida Statutes, is amended to read:

316.081 Driving on right side of roadway; exceptions.—

(1) Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway, except as follows:

(a) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;

(b) When an obstruction exists making it necessary to drive to the left of the center of the highway; provided any person so doing shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;

(c) Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon. *However, upon any limited access roadway having two or more lanes for each direction of travel, any vehicle driven in the left-most lane shall yield right-of-way to any vehicle traveling at a higher speed by moving to the nearest lane to the right at the first practicable and safe opportunity; or*

(d) Upon a roadway designated and signposted for one-way traffic.

(2) Upon a two-lane roadway providing for two-way movement of traffic, a vehicle ~~all roadways, any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions~~

~~then existing~~ shall be driven in the right-hand lane ~~then~~ available for traffic or as close as practicable to the right-hand curb or edge of the roadway except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

(3) Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle shall be driven to the left of the centerline of the roadway, except when authorized by official traffic control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except as permitted under paragraph (1)(b). However, this subsection shall not be construed as prohibiting the crossing of the centerline in making a left turn into or from an alley, private road, or driveway.

(a) *Upon a four-lane highway, an interstate highway, or a highway with fully controlled access, or the Florida Intrastate Highway System, a vehicle may not be driven in the left-hand lane except when overtaking and passing another vehicle.*

(b) *Paragraph (a) shall not apply:*

1. *When no other vehicle is directly behind the vehicle in the left-hand lane;*

2. *When traffic conditions and congestion make it impractical to drive in the right-hand lane;*

3. *When inclement weather conditions make it necessary to drive in the left-hand lane;*

4. *When obstructions or hazards exist in the right-hand lane;*

5. *When, because of highway design, a vehicle must be driven in the left-hand lane when preparing to exit;*

6. *On toll highways when necessary to use Sun-Pass and on toll and other highways when driving in the left-hand lane is required to comply with an official traffic control device; or*

7. *To law enforcement vehicles, ambulances, and other emergency vehicles engaged in official duties and vehicles engaged in highway maintenance and construction operations.*

(4) A violation of this section is a noncriminal traffic infraction, punishable as a moving violation as provided in chapter 318.

Section 4. Paragraph (d) of subsection (3) of section 322.27, Florida Statutes, is amended to read:

322.27 Authority of department to suspend or revoke license.—

(3) There is established a point system for evaluation of convictions of violations of motor vehicle laws or ordinances, and violations of applicable provisions of s. 403.413(6)(b) when such violations involve the use of motor vehicles, for the determination of the continuing qualification of any person to operate a motor vehicle. The department is authorized to suspend the license of any person upon showing of its records or other good and sufficient evidence that the licensee has been convicted of violation of motor vehicle laws or ordinances, or applicable provisions of s. 403.413(6)(b), amounting to 12 or more points as determined by the point system. The suspension shall be for a period of not more than 1 year.

(d) The point system shall have as its basic element a graduated scale of points assigning relative values to convictions of the following violations:

1. Reckless driving, willful and wanton—4 points.

2. Leaving the scene of a crash resulting in property damage of more than \$50—6 points.

3. Unlawful speed resulting in a crash—6 points.

4. Passing a stopped school bus—4 points.

5. Unlawful speed:

- a. Not in excess of 15 miles per hour of lawful or posted speed—3 points.
- b. In excess of 15 miles per hour of lawful or posted speed—4 points.
6. All other moving violations (including parking on a highway outside the limits of a municipality)—3 points. However, no points shall be imposed for a violation of s. 316.0741 or s. 316.2065(12).
7. Any moving violation covered above, excluding unlawful speed, resulting in a crash—4 points.
8. Any conviction under s. 403.413(6)(b) ~~s. 403.413(5)(b)~~—3 points.
9. Any conviction under s. 316.081—4 points.

Section 5. *The Department of Highway Safety and Motor Vehicles shall provide an educational awareness campaign informing the motoring public about the Road Rage Reduction Act. The department shall provide information about the Road Rage Reduction Act in all newly printed driver license educational materials after October 1, 2005, and in public service announcements produced in cooperation with the Florida Highway Patrol.*

Section 6. *Effective July 1, 2005, a driver of a motor vehicle who does not violate the then-existing provisions of section 316.081, Florida Statutes, but whose conduct would violate those provisions as amended effective January 1, 2006, may be issued a verbal warning and given educational literature regarding the changes in this act by a law enforcement officer.*

Section 7. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2005.

And the title is amended as follows:

On page 1, line 15, after the semicolon (;) insert: providing a grace period when warnings and educational literature may be issued by a law enforcement officer;

Pursuant to Rule 4.19, **CS for SB 732** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

THE PRESIDENT PRESIDING

On motion by Senator Geller—

CS for SB 1436—A bill to be entitled An act relating to automated external defibrillators; amending s. 401.2915, F.S.; authorizing state and local law enforcement vehicles to carry an automated external defibrillator; amending s. 932.7055, F.S.; authorizing local governments to use forfeiture funds for purchasing automated external defibrillators; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1436** was placed on the calendar of Bills on Third Reading.

On motion by Senator Wise, by two-thirds vote **HCR 1127** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Wise—

HCR 1127—A concurrent resolution confirming the appointment of Gary VanLandingham as Director of the Office of Program Policy Analysis and Government Accountability.

WHEREAS, the Joint Legislative Auditing Committee appointed Gary VanLandingham as Director of the Office of Program Policy Analysis and Government Accountability on January 24, 2005, and

WHEREAS, section 11.511, Florida Statutes, provides that the appointment of the Director of the Office of Program Policy Analysis and Government Accountability must be confirmed by a majority vote of the Senate and the House of Representatives, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida, the Senate Concurring: That the appointment of Gary VanLandingham as Director of the Office of Program Policy Analysis and Government Accountability by the Joint Legislative Auditing Committee under

—a companion measure, was substituted for **SCR 1468** and read the second time in full. On motion by Senator Wise, **HCR 1127** was adopted and certified to the House.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Pruitt, the rules were waived and the Committee on Health Care was granted permission to extend time of adjournment of the meeting this day until completion of agenda or until 7:00 p.m.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Pruitt, by two-thirds vote **SB 938**, **SB 940**, **SB 2600**, and **SB 2602** were withdrawn from the Committee on Ways and Means; **SB 838** was withdrawn from the Committees on Health and Human Services Appropriations; and Rules and Calendar; **SB 1216** was withdrawn from the Committees on Judiciary; and Rules and Calendar; **SB 1320** was withdrawn from the Committee on Transportation and Economic Development Appropriations; **SB 1488** was withdrawn from the Committees on Judiciary; and Ways and Means; **SB 1964** was withdrawn from the Committees on Justice Appropriations; and Rules and Calendar; **SB 998** was also referred to the Committee on Justice Appropriations; **CS for SB 330** and **SB 444** were withdrawn from the Committee on Rules and Calendar; and were also referred to the Committees on General Government Appropriations; and Ways and Means; **SB 1920** was withdrawn from the Committees on Governmental Oversight and Productivity; Judiciary; and Rules and Calendar; **SB 2228** was withdrawn from the Committee on Banking and Insurance; **CS for SB 1072** was withdrawn from the Committee on General Government Appropriations; **CS for SB 1144** was withdrawn from the Committee on Judiciary; and **CS for CS for SB 492** and **SB 792** were withdrawn from the Committee on Rules and Calendar.

MOTION

On motion by Senator Pruitt, the rules were waived and time of recess was extended until completion of announcements.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Wednesday, April 6, 2005: **CS for SB 2646**, **CS for SB 2644**, **SB 96**, **CS for SB 690**, **CS for SJR 2144**, **CS for SB 2146**, **CS for SB 748**, **CS for CS for SB 1146**, **CS for CS for CS for SB 1476**, **CS for CS for SB 1494**, **SB 1858**, **SB 450**, **SB 868**, **CS for SB 1312**, **SB 1352**, **CS for CS for SB 1114**, **CS for SB 732**, **CS for SB 1436**, **SCR 1468**

Respectfully submitted,
Ken Pruitt, Chair

The Committee on Environmental Preservation recommends the following pass: **SB 2186** with 1 amendment

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

The Committee on Environmental Preservation recommends the following pass: **SB 2288**

The Committee on Regulated Industries recommends the following pass: **SB 2148** with 3 amendments

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

The Committee on Banking and Insurance recommends the following pass: SB 1438

The Committee on Commerce and Consumer Services recommends the following pass: SB 2032

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

The Committee on Children and Families recommends the following pass: SB 1756 with 1 amendment

The Committee on Community Affairs recommends the following pass: SB 2614

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

The Committee on Community Affairs recommends the following pass: SB 2132

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

The Committee on Banking and Insurance recommends the following pass: SB 1998

The Committee on Children and Families recommends the following pass: SB 1726 with 2 amendments, SB 2382

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

The Committee on Banking and Insurance recommends the following pass: SB 1780

The Committee on Children and Families recommends the following pass: SB 1884 with 8 amendments

The Committee on Environmental Preservation recommends the following pass: SB 1664 with 1 amendment

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

The Committee on Community Affairs recommends the following pass: SB 1470

The Committee on Environmental Preservation recommends the following pass: SB 1988 with 1 amendment

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

The Committee on Commerce and Consumer Services recommends the following pass: CS for SB 1244

The bill was referred to the Committee on Ways and Means under the original reference.

The Committee on Ethics and Elections recommends the following pass: SB 1980

The Committee on Regulated Industries recommends the following pass: CS for SB 1232 with 1 amendment

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

The Committee on Environmental Preservation recommends the following not pass: SB 98

The bill was laid on the table.

The Committee on Community Affairs recommends a committee substitute for the following: SB 1624

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

The Committee on Communications and Public Utilities recommends committee substitutes for the following: SB 2068, SB 2232

The bills with committee substitutes attached were referred to the Committee on Commerce and Consumer Services under the original reference.

The Committee on Children and Families recommends a committee substitute for the following: SB 768

The Committee on Government Efficiency Appropriations recommends committee substitutes for the following: CS for SB 2, SB 1294

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

The Committee on Government Efficiency Appropriations recommends a committee substitute for the following: CS for SB 1366

The bill with committee substitute attached was referred to the Committee on Transportation and Economic Development Appropriations under the original reference.

The Committee on General Government Appropriations recommends a committee substitute for the following: SB 1318

The Committee on Government Efficiency Appropriations recommends a committee substitute for the following: SB 482

The Committee on Justice Appropriations recommends committee substitutes for the following: CS for SB 2048, SB 2196

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

The Committee on Children and Families recommends a committee substitute for the following: SB 2136

The Committee on Community Affairs recommends a committee substitute for the following: SB 612

The Committee on Government Efficiency Appropriations recommends committee substitutes for the following: SB 1270, SB 1300, SB 1774

The Committee on Justice Appropriations recommends a committee substitute for the following: CS for SB 370

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

COMMITTEE SUBSTITUTES

FIRST READING

By the Committees on Government Efficiency Appropriations; Education; and Senators King and Bullard—

CS for CS for SB 2—A bill to be entitled An act relating to scholarship programs; amending s. 1002.39, F.S., relating to the John M. McKay Scholarships for Students with Disabilities Program; revising the definition of an eligible student; revising the eligibility requirements of the program; revising requirements for scholarship funding and payments; providing reporting requirements for school districts; holding a school district harmless from a specified student enrollment ceiling; prohibiting the transfer of funds to the Florida School for the Deaf and the Blind under certain circumstances; extending the term of the scholarship; prohibiting certain students from receiving a scholarship; revising the parental notification requirements; authorizing certain scholarship students to participate in a distance learning or correspondence course or a private tutoring program under certain circumstances; providing a definition of timely parental notification; providing requirements for district school boards with respect to completing and making changes to the matrix of services for scholarship students; requiring school districts to provide parental notification related to reassessments; revising requirements that a participating private school demonstrate fiscal soundness; requiring annual registration of private schools; providing requirements for documentation and notice; providing additional requirements for participating private schools; requiring annual sworn and notarized compliance statements to be filed with the department; requiring specific documentation for participating scholarship students; requiring that the private school maintain a physical location in this state; requiring that information be made available to potential scholarship students and the department; requiring scholarship students to participate in assessments; requiring notification to parents regarding student skill levels; requiring notification to the department regarding changes in information; requiring notification to local health departments; prohibiting discrimination on the basis of religion by a private school; requiring certain individuals to undergo level 2 background screening requirements pursuant to s. 435.04, F.S.; providing for the Department of Law Enforcement to retain and search fingerprint records; providing for an annual fee as provided by rule of the Department of Law Enforcement; requiring that costs of background checks to be borne by certain parties; prohibiting a private school from acting as an attorney in fact for the parent of a scholarship student or endorsing scholarship warrants on behalf of a parent; prohibiting participating private schools from sending or directing scholarship funds to parents of a scholarship student who receives instruction at home; prohibiting a participating school from being a private tutoring program or a correspondence or distance learning school; prohibiting a participating school from accepting students pending verification of information; authorizing a participating private school to request, and the department to grant, closed-enrollment status for a school; prohibiting the parent of a scholarship student from designating a participating private school as the parent's attorney in fact to sign a scholarship warrant; clarifying that the school district must report to the department the students who are attending a private school under the program; establishing additional obligations of the Department of Education; requiring the department to review, approve, and verify information and review background checks; requiring the department to determine the eligibility of a private school to participate in the program; requiring the department to publish an on-line list of current eligible private schools; requiring the department to deny or refuse to allow the participation of a private school for failing to meet certain requirements; requiring the department to issue a notice of noncompliance for minor violations; providing for an emergency order revoking the registration of a private school for failing to satisfy the requirements in the notice; requiring the Department of Education to immediately revoke the registration of a private school for certain other violations; requiring the department to revoke the scholarship for a participant for failing to comply with statutory requirements or for engaging in specified practices; requiring the department to conduct investigations of legally sufficient complaints of violations; authorizing the department to require supporting information or documentation; authorizing the Department of Education to change the matrix of services under certain circumstances; providing for audits by the Auditor General; providing requirements for the audits; requiring the State Board of Education to adopt rules; specifying the required rules; requiring the State Board of Education to initiate the adoption of rules by a

time certain and report to the Legislature; providing exceptions for certain participating private schools subject to specific conditions; amending s. 220.187, F.S., relating to the Corporate Tax Credit Scholarship Program; providing a short title; providing definitions; eliminating the \$5-million cap on contributions to any single eligible nonprofit scholarship-funding organization; prohibiting certain private schools and other entities from participating in the scholarship program; authorizing students whose family income level meets certain federal poverty level criteria to continue to participate in the scholarship program; prohibiting certain students from participating in the scholarship program; revising limitations on the allocation of annual credits granted under the program; providing limitations on eligible contributions; requiring scholarship-funding organizations to obligate, in the same fiscal year in which a contribution was received, all of the contributions; requiring the Auditor General to review certain audits, request certain information, and report to the Legislative Auditing Committee any findings of non-compliance; authorizing the Legislative Auditing Committee to conduct hearings and compel the Department of Education to revoke eligibility of certain nonprofit scholarship-funding organizations; providing for audit reports to be submitted to the Department of Education; requiring audits be conducted within 180 days after completion of the nonprofit scholarship-funding organization's fiscal year; requiring a nonprofit scholarship-funding organization to make scholarship payments at least on a quarterly basis; prohibiting commingling of certain scholarship funds; requiring a nonprofit scholarship-funding organization to maintain a separate account for scholarship funds; requiring a nonprofit scholarship-funding organization to verify student attendance at a private school prior to submission of scholarship funds; requiring a nonprofit scholarship-funding organization to verify income eligibility of qualified students at least once a year in accordance with State Board of Education rules; requiring a nonprofit scholarship-funding organization to submit certain reports to the Department of Education; requiring certain individuals to undergo level 2 background screening requirements pursuant to s. 435.04, F.S.; providing for the Department of Law Enforcement to retain and search fingerprint records; providing for an annual fee as provided by rule of the Department of Law Enforcement; requiring costs of background checks be borne by certain parties; prohibiting certain eligible nonprofit scholarship-funding organizations the owners of which have filed for bankruptcy from participating in the program; requiring a nonprofit scholarship-funding organization comply with antidiscrimination provisions of 42 U.S.C. s. 2000d; prohibiting an owner or a nonprofit scholarship-funding organization from owning, operating, or administering an eligible private school under the scholarship program; requiring a nonprofit scholarship-funding organization to report any private school not in compliance with scholarship program requirements to the Department of Education; prohibiting provision of scholarship funds to a student to attend a private school not in compliance; authorizing a parent to transfer the scholarship; requiring award of scholarships on a first-come, first-served basis; prohibiting a nonprofit scholarship-funding organization from targeting certain students for scholarships; prohibiting the award of scholarships to a child of an owner of a nonprofit scholarship-funding organization; prohibiting the transfer of an eligible contribution between nonprofit scholarship-funding organizations; prohibiting a nonprofit scholarship-funding organization from securing financing in anticipation of eligible contributions; prohibiting a nonprofit scholarship-funding organization from participating in the program if the organization fails to meet statutory obligations; requiring students to meet certain attendance policies; requiring parents to meet certain parental involvement requirements unless excused; prohibiting a parent from authorizing a power of attorney for endorsement of scholarship warrant; requiring a parent to ensure that a scholarship student participates in testing requirements; prohibiting a student or parent of a student from participating in the scholarship program if the student or parent fails to meet statutory obligations; revising provisions with respect to private schools; revising requirements that a participating private school demonstrate fiscal soundness; requiring a private school to employ or contract with teachers who have regular and direct contact with students at the school's physical location; requiring the private schools to employ or contract with teachers who have at least a baccalaureate degree or 3 years of teaching experience at a public or private school, and other skills that qualify the teacher to provide appropriate instruction; requiring a private school to report to the Department of Education the qualifications of teachers; requiring a private school to annually register with the Department of Education and provide certain information concerning the private school organization, student list, and notice of intent to participate in the scholarship program; requiring certain individuals to undergo level 2 background screening requirements pursuant to s. 435.04, F.S.; providing for the Department of Law

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

By the Committees on Justice Appropriations; Judiciary; and Senator Campbell—

CS for CS for SB 370—A bill to be entitled An act relating to procedures for the satisfaction of debts; amending s. 55.141, F.S.; revising provisions relating to satisfaction of judgments and decrees; eliminating the authority of judges to act under these provisions when there is no clerk of court; revising requirements of the clerk when accepting payment for satisfaction of a judgment and executing and recording a satisfaction of judgment; providing a sample form to be used by a clerk when recording a satisfaction of judgment; revising provisions relating to notification of satisfaction of judgment to a judgment holder; amending s. 55.202, F.S.; revising procedures for acquiring a judgment lien; authorizing the court to file a judgment lien certificate before a judgment becomes final under certain circumstances; providing that an improperly filed certificate is of no effect; amending s. 55.204, F.S.; revising provisions relating to the continuation of judgment liens; revising provisions requiring the Department of State to maintain certain files and information; amending s. 55.205, F.S.; deleting a provision authorizing certain creditors to bring certain actions against the property of a debtor; amending ss. 55.602, 55.603, 55.604, 55.605, and 55.606, F.S.; revising provisions relating to foreign judgments to apply only to out-of-country foreign judgments; amending s. 56.21, F.S.; revising requirements for notices of a levy and execution sale; amending s. 56.27, F.S.; clarifying provisions relating to payment of money received under execution; amending s. 56.29, F.S.; revising requirements regarding supplementary proceedings for unsatisfied judgments; amending s. 77.03, F.S.; deleting the provision that a garnishing creditor must believe that execution would be unavailing; amending s. 77.04, F.S.; specifying a time period for a garnishee to serve an answer to a writ; amending s. 77.041, F.S.; increasing the time period during which a garnishing creditor may

object to the debtor's claim of exemption and request a hearing; amending s. 77.07, F.S.; providing for automatic dissolution of a writ and discharge of a garnishee of liability under certain circumstances; granting a plaintiff the right to extend a writ for a certain time period; providing procedures; amending s. 222.01, F.S.; revising provisions relating to the designation of homestead property by the owner prior to levy to include foreign judgments; amending s. 319.27, F.S.; correcting a cross-reference; amending s. 679.1021, F.S.; redefining the term "lien creditor"; amending s. 701.02, F.S.; providing that chapters 670-680 of the Uniform Commercial Code govern the attachment and perfection of a security interest in a mortgage upon real property and in a promissory note or other right to payment or performance secured by that mortgage; providing that the assignment of such a mortgage need not be recorded under s. 701.02, F.S., in order for a security interest in the mortgage to attach or be perfected under the Uniform Commercial Code; providing that a creditor or subsequent purchaser of real property or of any interest therein may rely on a full or partial release, discharge, consent, joinder, subordination, satisfaction, or assignment of a mortgage upon the property which was made by the mortgagee of record, without regard to the filing of certain Uniform Commercial Code financing statements; providing that the filing of such a financing statement does not constitute notice for the purposes of s. 701.02, F.S.; defining the term "mortgage of record"; providing effective dates.

By the Committee on Government Efficiency Appropriations; and Senator Clary—

CS for SB 482—A bill to be entitled An act relating to the state lottery; amending s. 24.115, F.S.; providing for the deposit of a percentage of unclaimed prize money in the Educational Enhancement Trust Fund; authorizing 80 percent of unclaimed prize money to be used to match private contributions received under certain postsecondary matching grant programs; amending s. 24.121, F.S.; revising provisions relating to the allocation of revenues for public education; amending s. 1010.70, F.S.; conforming provisions; providing an effective date.

By the Committee on Community Affairs; and Senators Hill, Fasano, Posey, Lynn and Atwater—

CS for SB 612—A bill to be entitled An act relating to Veterans' Day; requiring school districts to observe Veterans' Day; prohibiting holding classes on that day; providing an exception; providing an effective date.

By the Committee on Children and Families; and Senators Lynn and King—

CS for SB 768—A bill to be entitled An act relating to instruction for exceptional students; amending s. 1003.57, F.S.; providing guidelines for determining the residency of a student who receives instruction as an exceptional student with a disability; requiring the student's placing authority or parent to pay the cost of such instruction, facilities, and services; providing responsibilities of the Department of Education; providing responsibilities of residential facilities that educate exceptional students with disabilities; providing applicability; amending s. 1003.58, F.S.; correcting a cross-reference; creating s. 1003.575, F.S.; requiring the Department of Education to develop an individual education plan form for use in developing and implementing individual education plans for exceptional students; requiring school districts to use the form; providing an effective date.

By the Committee on Government Efficiency Appropriations; and Senators Saunders and Constantine—

CS for SB 1270—A bill to be entitled An act relating to property appraiser assessments; amending s. 193.023, F.S.; providing property appraisers with additional methods for inspecting real property for assessment purposes in addition to physical inspections; reducing the required frequency of physical inspections; providing an effective date.

By the Committee on Government Efficiency Appropriations; and Senator Bennett—

CS for SB 1294—A bill to be entitled An act relating to use of school district millage; amending ss. 200.065 and 1011.71, F.S.; expanding authorized school board millage levy funding to include payment of premiums for property and casualty insurance necessary to insure school district educational plants; limiting the use of certain operating revenues; providing an effective date.

By the Committee on Government Efficiency Appropriations; and Senator Campbell—

CS for SB 1300—A bill to be entitled An act relating to limitations on claims for refund of corporate income tax; amending s. 220.727, F.S.; revising provisions for determining when a payment of estimated tax is deemed paid for purposes of time limitations for refund claims; providing for retroactive application; providing an effective date.

By the Committees on General Government Appropriations; Environmental Preservation—

CS for SB 1318—A bill to be entitled An act relating to underground petroleum storage tanks; amending s. 376.3071, F.S.; directing the Department of Environmental Protection to encumber petroleum remediation funds uniformly throughout the state's fiscal year; providing for a prioritization within a priority scoring range; providing that limited source removal projects approved outside the established priority order may be funded from the Inland Protection Trust Fund; providing a priority order for these projects; limiting the use of the funds to certain specified purposes; limiting the amount of money allocated to such projects each fiscal year; providing for the repeal of the law on a specified date; amending s. 376.30713, F.S.; providing that the preapproved advanced cleanup provisions may apply to certain discharges under the petroleum cleanup participation program; amending s. 376.3075, F.S.; authorizing the Inland Protection Financing Corporation to borrow money and issue bonds to pay for large-scale cleanups that are eligible for state funding; requiring submission of a plan by the Inland Protection Financing Corporation prior to the issuance of certain debt; requiring the department to obtain legislative authorization for certain debt-financed cleanup projects and payments; extending the termination date of the corporation; creating s. 376.30715, F.S.; providing that certain contaminated sites acquired prior to July 1, 1990, are eligible for state financial cleanup assistance; providing an effective date.

By the Committees on Government Efficiency Appropriations; Communications and Public Utilities; and Senators Constantine and Dockery—

CS for CS for SB 1366—A bill to be entitled An act relating to storm infrastructure recovery; creating s. 366.8260, F.S.; providing definitions; authorizing electric utilities to petition the Florida Public Service Commission for certain financing orders for certain storm-recovery purposes; providing requirements; providing powers and duties of the commission in issuing such orders; specifying procedures and requirements for the commission in issuing financing orders; authorizing electric utilities to create storm-recovery property; providing for pledge of storm-recovery property to secure storm-recovery bonds; providing for retirement of storm-recovery bonds under certain circumstances; providing for judicial review of such orders; providing for effect of such orders; providing exceptions to commission jurisdiction to issue financing orders; providing limitations; prohibiting the commission from requiring use of storm-recovery bonds for certain purposes; specifying duties of electric utilities; specifying properties, requirements, permissible activities, and limitations relating to storm-recovery property under certain circumstances; providing for security interests in storm-recovery property; providing for perfecting security interests in storm-recovery property; providing for priority of and resolution of conflicting interests; providing requirements, procedures, and limitations for sale, assignment, or transfer of storm-recovery property; providing requirements for descriptions or indications of storm-recovery property transferred, granted, or pledged, or indicated in a financing statement; subjecting financing statements to

certain provisions of law; specifying that storm-recovery bonds are not public debt; specifying storm-recovery bonds as legal investments for certain entities; specifying certain state pledges relating to bondholders; declaring certain entities as not electric utilities under certain circumstances; specifying effect of certain provisions in situations of conflict; providing for protecting validity of certain bonds under certain circumstances; limiting commission authority to issue certain financing orders after a time certain; amending s. 679.1091, F.S.; specifying nonapplication of secured transactions provisions of the Uniform Commercial Code to interests in storm-recovery property; providing an effective date.

By the Committee on Community Affairs; and Senator Campbell—

CS for SB 1624—A bill to be entitled An act relating to firefighters' pensions; amending s. 175.041, F.S.; providing that any municipality that provides fire protection services to another municipality under an interlocal agreement is eligible to receive premium taxes; authorizing the municipality that receives the fire protection services to enact an ordinance levying the tax; authorizing the Division of Retirement within the Department of Management Services to distribute the premium taxes; amending s. 175.101, F.S.; authorizing any municipality that has entered into an interlocal agreement for fire protection services with another municipality to impose an excise tax on entities that are engaged in the business of property insurance; providing an effective date.

By the Committee on Government Efficiency Appropriations; and Senator Rich—

CS for SB 1774—A bill to be entitled An act relating to the Florida Litter Law; amending s. 403.413, F.S.; increasing the fine for a noncriminal infraction of the Florida Litter Law from \$50 to \$100; dedicating a portion of the increase to the Solid Waste Management Trust Fund; providing a use for such funds; providing an effective date.

By the Committees on Justice Appropriations; Judiciary; and Senator Crist—

CS for CS for SB 2048—A bill to be entitled An act relating to judges; amending s. 26.031, F.S.; revising the number of circuit court judges in certain circuits; amending s. 34.022, F.S.; revising the number of county court judges in certain counties; amending s. 35.06, F.S.; revising the number of district court judges in certain district courts of appeal; providing for appointment or election of new judges created by the act; providing effective dates.

By the Committee on Communications and Public Utilities; and Senator Constantine—

CS for SB 2068—A bill to be entitled An act relating to telecommunications; amending s. 364.01, F.S.; specifying the exclusive jurisdiction of the Florida Public Service Commission to regulate telecommunications companies; providing that state laws governing business and consumer protection be applied to communications activities that are not regulated by the commission; revising provisions governing the exclusive jurisdiction of the commission; creating s. 364.011, F.S.; specifying certain services that are exempt from oversight by the commission; creating s. 364.012, F.S.; requiring the commission to coordinate with federal agencies; providing that ch. 364, F.S., does not limit or modify certain duties of a local exchange carrier; creating s. 364.013, F.S.; requiring that broadband service remain free of state and local regulation; requiring that voice-over-Internet protocol remain free of regulation, except as specifically provided in ch. 364, F.S., or by federal law; amending s. 364.02, F.S.; defining the terms "broadband service" and "VoIP"; redefining the term "service"; amending s. 364.0361, F.S.; prohibiting a local government from regulating voice-over-Internet protocol regardless of the platform or provider; amending s. 364.10, F.S.; revising the income threshold for eligibility for Lifeline service; repealing s. 364.502, F.S., relating to video programming services; amending s. 364.335, F.S.; increasing to \$500 from \$250 the maximum allowable filing fee for certification of telecommunications carriers; amending s. 364.336, F.S.; authorizing the Public Service Commission to establish a minimum fee of up

to \$1,000; authorizing different fees for different types of services provided by telecommunications companies; amending ss. 196.012, 199.183, 212.08, 290.007, 350.0605, 364.602, and 489.103, F.S.; conforming cross-references; providing an effective date.

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

CS for SB 2136—A bill to be entitled An act relating to the administration of medication; amending s. 393.506, F.S.; authorizing certain staff members to administer prescription medications under the supervision of a registered nurse to persons with developmental disabilities at a comprehensive transitional education program; directing the Agency for Persons with Disabilities to adopt rules to implement s. 393.506, F.S.; providing an effective date.

By the Committee on Justice Appropriations; and Senator Crist—

CS for SB 2196—A bill to be entitled An act relating to trust funds; creating s. 985.4043, F.S.; creating the Shared County/State Juvenile Detention Trust Fund within the Department of Juvenile Justice; providing for sources of funds and purposes; providing for future review and termination or re-creation of the trust fund; providing an effective date.

By the Committee on Communications and Public Utilities; and Senator Constantine—

CS for SB 2232—A bill to be entitled An act relating to the regulation of telephone rates; amending s. 364.051, F.S.; providing that damage to the equipment and facilities of a local exchange telecommunications as a result of a named tropical system constitutes a compelling showing of changed circumstances to justify a rate increase; allows such companies to petition for recover of such costs and expenses; requiring the Public Service Commission to verify the intrastate costs and expenses for repairing, restoring, or replacing damaged lines, plants, or facilities; requiring the commission to determine whether the intrastate costs and expenses are reasonable; requiring a company to exhaust any storm-reserve funds prior to recovery from customers; providing that the commission may authorize adding an equal line-item charge per access line for certain customers; providing for a rate cap and providing the maximum number of months the rate may be imposed; providing a 12-month limit for the application; allowing recovery for more than one storm within the limit; providing an effective date.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed HB 151, HB 331, HR 401; has passed as amended HB 63, HB 77, HB 281, HB 385, HB 561, HB 625, HB 1001 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Sorensen and others—

HB 151—A bill to be entitled An act relating to the Access to Health Care Act; amending s. 766.1115, F.S.; revising a definition of low-income person to expand a poverty level family income criterion; providing an effective date.

—was referred to the Committees on Health Care; and Health and Human Services Appropriations.

By Representative Bowen and others—

HB 331—A bill to be entitled An act relating to inland lakes and canals; amending s. 327.40, F.S.; exempting from permitting requirements the placement of informational markers on inland lakes and associated canals by counties, municipalities, or other governmental entities; providing requirements for placement of such markers; specifying that placement of informational markers on state submerged lands does not subject such lands to specified lease requirements; providing an effective date.

—was referred to the Committees on Environmental Preservation; and Community Affairs.

By Representative M. Davis and others—

HB 401—An act relating to Southwest Florida transportation; creating pt. X of ch. 348, 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; 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; 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 a 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 legislative intent regarding changes; providing for future expiration of the act; providing a contingent effective date.

—was referred to the Committees on Transportation; Governmental Oversight and Productivity; Government Efficiency Appropriations; and Transportation and Economic Development Appropriations.

By Representative Simmons and others—

HB 63—A bill to be entitled An act relating to disabled parking permits; amending s. 320.0848, F.S.; revising requirements for certification of disability; removing certain restrictions on certification of disability by an advanced registered nurse practitioner or a physician assistant; providing for disciplinary action for violation by certain certifying practitioners; providing an effective date.

—was referred to the Committees on Transportation; and Community Affairs.

By Representative Littlefield and others—

HB 77—A bill to be entitled An act relating to waste-to-energy facilities; amending s. 403.7061, F.S.; revising a permit or certification requirement for a waste-to-energy facility; providing an effective date.

—was referred to the Committees on Environmental Preservation; and Community Affairs.

By Representative Sansom and others—

HB 281—A bill to be entitled An act relating to paperwork reduction in the school districts; requiring the establishment of the Paper Reduction Task Force and providing membership; requiring recommendations to minimize the paperwork burden placed on school districts and school

district personnel; requiring a report to the Legislature; providing for abolishment of the task force; providing an effective date.

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

By Representative Rubio—

HB 385—A bill to be entitled An act relating to state facility designations; designating Ramon Puig Way, Shawn O'Dare Way, Marge Pearlson Way, and Jorge L. Cabrera Way in Miami-Dade County; designating the Correction Officers Memorial Bridge in Bradford and Union Counties; designating Martin Andersen Beachline Expressway in Orange and Brevard Counties; designating Daniel Webster Western Beltway in Orange County; designating Robert F. Grim, Sr., Memorial Parkway in Volusia County; designating Veteran's Memorial Boulevard in Walton County; designating the Southeastern Guide Dog Overpass in Manatee County; designating the Joseph O. Striska Florida Welcome Center in Hamilton County; designating Purple Heart Memorial Highway in Highlands County; repealing s. 25 of ch. 2004-392, Laws of Florida, relating to the designation of St. Petersburg/William C. Cramer Parkway in Pinellas County; designating St. Petersburg Parkway/William C. Cramer Memorial Highway in Pinellas County; designating Richard E. "Pete" Damon Bridge in Palm Beach County; designating Alexander Alden Ware Memorial Cable Barrier System in Palm Beach, St. Lucie, and Miami-Dade Counties; directing the Department of Transportation to erect suitable markers; designating Jorge L. Cabrera Way, Roi Henri Christophe Boulevard, Charles Summer Boulevard, Capois-La-Mort Boulevard, and Jean Baptiste Point du Sable Boulevard in Miami-Dade County; directing the Department of Transportation to erect suitable markers; providing an effective date.

—was referred to the Committee on Transportation.

By Representative Pickens and others—

HB 561—A bill to be entitled An act relating to agricultural economic development; amending s. 70.001, F.S.; providing a cause of action for landowners aggrieved by certain changes to agricultural land use; providing a notice period; amending s. 163.2514, F.S.; defining the terms "agricultural enclave" and "family farm agricultural enclave" for purposes of growth policy; amending s. 163.2517, F.S.; authorizing the owner of land defined as an agricultural enclave or a family farm agricultural enclave to apply for an amendment to the local government comprehensive plan and development of regional impact approval, if applicable; providing requirements relating to application; providing that an amendment or approval shall be granted upon failure to act in a timely fashion; amending s. 163.3177, F.S.; requiring land use plans to establish appropriate uses of lands in agricultural enclaves; amending acreage limits for rural land stewardship areas; requiring the Department of Community Affairs to obtain written agreements from landowners designating rural land stewardship areas; amending s. 163.3187, F.S.; providing that an agricultural enclave comprehensive plan amendment or a large-scale comprehensive plan amendment adopted as a result of informal mediation may be approved without regard to statutory frequency limits; creating s. 259.047, F.S.; providing requirements relating

to purchase of land on which an agricultural lease exists; amending s. 373.0361, F.S.; providing for recognition that alternative water source options for agricultural self-suppliers are limited; amending s. 373.2234, F.S.; correcting a cross reference; amending s. 373.236, F.S.; requiring water management districts to inform landowners of the option to obtain certain consumptive use permits; creating s. 373.407, F.S.; providing for memoranda of agreement regarding qualification for agricultural-related exemptions; providing an effective date.

—was referred to the Committees on Agriculture; Community Affairs; and Environmental Preservation.

By Representative Littlefield and others—

HB 625—A bill to be entitled An act relating to abandonment of roads; amending s. 316.006, F.S.; conforming a cross reference; transferring and renumbering s. 316.00825, F.S., relating to a county's authority to close and abandon roads and rights-of-way and convey the county's interest to a homeowners' association; providing an effective date.

—was referred to the Committees on Transportation; and Community Affairs.

By Representative Goodlette and others—

HB 1001—A bill to be entitled An act relating to governance of the State University System; providing definitions; specifying the constitutional duties of the Board of Governors of the State University System under s. 7, Art. IX of the State Constitution; specifying the constitutional duties of the Legislature; providing legislative intent; providing an effective date.

—was referred to the Committees on Education; Governmental Oversight and Productivity; Judiciary; Education Appropriations; and Rules and Calendar.

CORRECTION AND APPROVAL OF JOURNAL

The Journals of March 31 and April 5 were corrected and approved.

CO-INTRODUCERS

Senators Argenziano—SB 774; Baker—CS for SB 1598; Bullard—SB 220, SB 782, SB 1726, SB 1766, SB 2254; Constantine—CS for SB 126, SB 608, SB 1264; Dawson—SB 1726; Diaz de la Portilla—SB 2254; Hill—SB 1726; Lawson—SB 1726; Lynn—SB 618, SB 814, SB 2312, CS for SB 1486; Margolis—SB 2388; Miller—SB 1726; Posey—SB 2130; Sebesta—SB 2130; Siplin—SB 1726; Smith—CS for CS for SB 210; Villalobos—SB 1906

RECESS

On motion by Senator Pruitt, the Senate recessed at 11:31 a.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Thursday, April 7 or upon call of the President.