



# Journal of the Senate

Number 14—Regular Session

Wednesday, April 13, 2005

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## CALL TO ORDER

The Senate was called to order by President Lee at 10:23 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. Albert Simpson, Jr., Pastor-Teacher, Philemon Baptist Church, Jacksonville:

Our Father which art in heaven, hallowed be thy name.

Thy kingdom come, thy will be done on earth as it is in heaven. Give us this day our daily bread. Forgive us our debts, as we forgive our debtors. And lead us not into temptation, but deliver us from evil.

O God, you are our creator and sustainer, and we invoke your presence in this Senate Chamber, as we exhort supplications, intercessions, and giving of thanks be made for all. Endow them with your divine favor to deliberate as civil servants in this legislative process to your glory.

For thine is the Kingdom, and the Power, and the Glory forever. Amen.

## PLEDGE

Senate Pages Britton Alexander, daughter of Senator Alexander of Lake Wales; Amber Bryant of Lakeland; Samantha "Sam" Hoffman of Homosassa; and Locklyn Diane Tucker of Crawfordville, 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. Ricardo Requena of Clearwater, sponsored by his brother-in-law, Senator Villalobos, as doctor of the day. Dr. Requena specializes in Otolaryngology and Facial Plastic Surgery.

## ADOPTION OF RESOLUTIONS

On motion by Senator Miller—

By Senators Miller, Crist and Sebesta—

**SR 1510**—A resolution congratulating the owners and operators of the Columbia Restaurant on the occasion of its 100th anniversary.

WHEREAS, the Columbia Restaurant was founded in 1905 with its flagship in Tampa's Historic Ybor City, and has grown to include five additional facilities, and

WHEREAS, the restaurant was founded by Cuban immigrant Casimiro Hernandez, Sr., and has been owned and operated throughout the ensuing century by the next four generations of the family, including his son, Casimiro, Jr., his granddaughter, Adela and her husband Cesar Gonzmart, and now the great grandchildren, Casey and Richard Gonzmart, and the great-great grandchildren, Lauren and Andrea Gonzmart, making the Columbia Restaurant a fifth generation family-owned and operated business, with additional members of the fifth generation being trained as prospective leaders and a sixth generation of hope and promise recently begun, and

WHEREAS, the family persevered in keeping the restaurant open throughout the years, including during periods of decline in Ybor City, bringing in world class entertainment to attract customers, a tradition continuing today with renowned flamenco dancers, and

WHEREAS, after the flagship restaurant underwent \$6.5 million in renovations in anticipation of its centennial celebration, the Columbia Restaurant in Ybor City now encompasses an entire city block of 52,000 square feet and, with 15 dining rooms, has enough seating for 1,700 people, NOW, THEREFORE,

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

That the Gonzmart Family is recognized on the celebration of the 100th birthday of the Columbia Restaurant, the oldest restaurant in Florida, the largest Spanish restaurant in the world, and the economic heartbeat of Ybor City.

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

—was introduced out of order and read by title. On motion by Senator Miller, **SR 1510** was read the second time in full and adopted.

At the request of Senator Posey—

By Senator Posey—

**SR 2722**—A resolution recognizing April 29, 2005, as "Dale Earnhardt Day" in Florida.

WHEREAS, NASCAR racing legend Dale Earnhardt, born April 29, 1951, in Kannapolis, North Carolina, won many stock car races at all levels in Florida as well as in numerous other states, and

WHEREAS, known as The Intimidator, Dale Earnhardt brought excitement and joy to his many fans in Florida and throughout the entire world by his phenomenal accomplishments, including his winning seven Winston Cup championships, a NASCAR record, and

WHEREAS, Dale Earnhardt amassed 76 Winston Cup victories during his more than 30-year racing career and established a track record of 34 wins at the Daytona International Speedway, and

WHEREAS, never one to turn back from a challenge, Dale Earnhardt, in his twentieth attempt, won the fortieth annual Daytona 500, and

WHEREAS, as President of Dale Earnhardt, Inc., in 1999, the legendary racer claimed the NASCAR Busch Series Owner's championship at the Homestead-Miami Speedway in Homestead, and, on five occasions, he was named Driver of the Year by the National Motorsports Press Association, and

WHEREAS, an outstanding sportsman and citizen whose indomitable character and determination inspired young people the world over, Dale Earnhardt, on February 18, 2001, was tragically taken from his family, his friends, and his fans on the final lap of the Daytona 500, and

WHEREAS, it is appropriate to pay tribute to the life of this extraordinary individual who meant so much to the people of this state, NOW, THEREFORE,

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

That April 29, 2005, is recognized as "Dale Earnhardt Day" in Florida.

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

—**SR 2722** was introduced, read and adopted by publication.

At the request of Senator Jones—

By Senator Jones—

**SR 2724**—A resolution commending Bob DiNicola for his many years of public leadership and service.

WHEREAS, as Mayor of Indian Rocks Beach from 1994 to 2005, Bob DiNicola has worked with great success to improve and expand programs, public facilities, and infrastructure, and

WHEREAS, he has also served as a delegate to the Barrier Islands Government Council from 1994 to 2003 and as its president in 1999-2000; as a member of the Suncoast League of Municipalities Board of Directors from 2002 to 2004; as a delegate to the Florida League of Cities from 1994 to 2004 and as a member of its Finance and Taxation Committee from 2001 to 2004; and as a member of the Pinellas Planning Council from 1999 to 2004 and its chairperson in 2003, and

WHEREAS, Bob DiNicola initiated action on many issues of regional importance, including gulf beach renourishment and the Gulf Beach Trolley System; provided assistance for the State Coastal Construction Line Program and recreation programming for the North Beaches; assisted in improvements to the accessibility, appearance, and amenities of the Indian Rocks' beaches; and helped to obtain federal assistance in response to the "No Name Storm" of 1993, and

WHEREAS, Bob DiNicola has also managed to provide further public service and community betterment through his activities as a Life Member of the Veterans of Foreign Wars; as a member of and usher for St. Jerome's Catholic Church; as a member and past president of the Indian Rocks Beach Civic Association; as president of the North Beaches YMCA Board of Directors; and as a member of the YMCA of the Suncoast Board of Directors, and

WHEREAS, in 2003, Mayor DiNicola became the first recipient of the "Commitment to Excellence in Leadership Award" from the Indian Rocks Volunteer Firemen's Association of Pinellas Suncoast Fire and Rescue, and he has earned the admiration and gratitude of all who have worked with him and benefited from his energy and guidance, NOW, THEREFORE,

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

That the Florida Senate commends and congratulates Bob DiNicola on his many years of exemplary and effective leadership and public service.

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

—**SR 2724** was introduced, read and adopted by publication.

At the request of Senator Margolis—

By Senator Margolis—

**SR 2734**—A resolution recognizing and commending the philanthropic leadership of Mr. Hodding Carter, III.

WHEREAS, Hodding Carter, III, has demonstrated a lifelong commitment to the highest principles of philanthropy, a distinguished American tradition, and

WHEREAS, Hodding Carter, III, has displayed high-profile leadership in his efforts to communicate the values of philanthropy, marked by his eminent board service with Florida Philanthropic Network, the Independent Sector, the Japan Society, the Center for Policy Alternatives, the George C. Marshall Foundation, the Population Resource Center, the Pew Center for Civic Journalism, the Southern Regional Council, the International Center for Journalists, and the American Council of Young Political Leaders, and

WHEREAS, Hodding Carter, III, provided key leadership in co-founding and funding Florida Philanthropic Network, a coalition of Florida foundations dedicated to promoting and developing Florida philanthropy, creating cooperation and collaboration among business, government, and nonprofit organizations, and promoting effective public policy in the State of Florida, and

WHEREAS, Hodding Carter, III, played a pivotal role in reorganizing the National Community Development Initiative into Living Cities, an urban development consortium of foundations, private financial institutions, and the Department of Housing and Urban Development working in 26 cities in the United States, and

WHEREAS, Hodding Carter, III, was a founding board member and served for 10 years with the Mississippi Action for Progress, a state-wide Head Start agency serving 10,000 children, and

WHEREAS, Hodding Carter, III, was instrumental in significantly increasing the resources of the John S. and James L. Knight Foundation which are available for grantmaking and more than doubling the amount annually granted to worthy causes during his tenure, and

WHEREAS, Hodding Carter, III, has been included three times in the Nonprofit Times' Power and Influence Top 50 list, NOW, THEREFORE,

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

That Hodding Carter, III, is recognized and commended for his leadership, inspiration, and philanthropic work.

—**SR 2734** 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 passed SB 2600, with amendment(s), and requests the concurrence of the Senate or, failing to concur, requests the Senate to appoint a committee of conference to meet with a like committee appointed by the Speaker to resolve differences between the houses.

*John B. Phelps, Clerk*

**SB 2600**—A bill to be entitled An act making appropriations; providing monies for the annual period beginning July 1, 2005, and ending

June 30, 2006, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

Pursuant to Rule 7.6, **House Amendment 1** constituted an entirely new bill and was not published in the journal.

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

The action of the Senate was certified to the House.

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The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed SB 2602, with amendment(s), and requests the concurrence of the Senate or, failing to concur, requests the Senate to appoint a committee of conference to meet with a like committee appointed by the Speaker to resolve differences between the houses.

*John B. Phelps, Clerk*

**SB 2602**—A bill to be entitled An act implementing the 2005-2006 General Appropriations Act; providing legislative intent; providing for use of specified calculations with respect to the Florida Education Finance Program; providing for the budget of the Council for Education Policy Research and Improvement to be administered by the Auditor General; providing that the council is otherwise independent; amending s. 216.292, F.S.; authorizing the Department of Children and Family Services to transfer funds within the family safety program; amending s. 561.121, F.S.; providing that moneys in the Children and Adolescents Substance Abuse Trust Fund may also be used for the purpose of funding programs directed at reducing and eliminating substance abuse problems among adults; amending s. 287.057, F.S.; authorizing the Department of Children and Family Services to contract with a private provider for a forensic mental health treatment facility; amending s. 402.305, F.S.; providing for the child care competency examination to be given in Spanish; amending s. 402.33, F.S.; suspending authority of the Department of Children and Family Services to use funds in excess of fee collections; authorizing the Department of Corrections and the Department of Juvenile Justice to make certain expenditures to defray costs incurred by a municipality or county as a result of opening or operating a facility under authority of the respective department; amending s. 216.262, F.S.; providing for additional positions to operate additional prison bed capacity under certain circumstances; amending s. 16.555, F.S.; authorizing use of the Crime Stoppers Trust Fund to pay for salaries and benefits and other expenses of the Department of Legal Affairs; authorizing transfer of certain funds from the courts to the Justice Administrative Commission to meet certain shortfalls in due-process appropriations; amending s. 413.4021, F.S.; requiring additional revenues from the tax collection enforcement diversion program to be used for the personal care attendant pilot program and for state attorney contracts; providing for expenditure of funds from the Working Capital Fund to offset deficiencies in due-process services; authorizing the Department of Legal Affairs to expend appropriated funds on programs funded in the preceding fiscal year; providing for an agreement between the Department of Agriculture and Consumer Services and the Department of Transportation for the construction of an agricultural interdiction station in Escambia County; authorizing the Executive Office of the Governor to transfer funds between departments for purposes of aligning amounts paid for risk management premiums and for purposes of aligning amounts paid for human resource management services; authorizing the Executive Office of the Governor to transfer funds between departments for purposes of aligning amounts paid for risk management premiums and for purposes of aligning amounts paid for human resource management services; amending s. 112.061, F.S.; providing for computation of travel time and reimbursement for public officers' and employees' travel; directing the Department of Environmental Protection to make specified awards of grant moneys for pollution control purposes; amending s. 375.041, F.S.; providing for use of funds allocated to the Land Acquisition Trust Fund for water quality issues; creating s. 376.30715, F.S.; providing conditions on state financial assistance in restoration of contaminated petroleum storage or retail sites; amending s. 287.057, F.S.; revising methods of compensating on-line providers of commodities and contractual services; amending s. 320.08058, F.S.; authorizing proceeds from the Professional Sports Development Trust Fund to be used

for operational expenses of the Florida Sports Foundation and financial support of the Sunshine State Games; amending s. 445.048, F.S.; requiring that Workforce Florida, Inc., expand the Passport to Economic Progress demonstration program to a statewide program; authorizing Workforce Florida, Inc., to designate regional workforce boards to participate in the program; deleting the provision relating to the disregarding of income for purposes of determining eligibility for cash assistance; requiring that Workforce Florida, Inc., offer incentive bonuses; providing requirements for the incentive bonuses; providing that the bonuses are not an entitlement; deleting obsolete provisions; requiring Workforce Florida, Inc., to submit evaluations and recommendations for the program as part of its annual report to the Legislature; deleting obsolete provisions; amending s. 253.034, F.S.; authorizing deposit of funds from the sale of property by the Department of Highway Safety and Motor Vehicles located in Palm Beach County; amending s. 402.3017, F.S.; requiring the Agency for Workforce Innovation to administer Teacher Education and Compensation Helps (TEACH) scholarship program; amending s. 287.057, F.S.; exempting certain voter education activities from competitive-solicitation requirements; amending s. 259.032, F.S.; providing for use of certain funds for constructing replacement museum facilities; amending s. 288.1045, F.S.; extending the qualified defense contractor tax refund program; amending s. 288.106, F.S.; extending the tax refund program for qualified target industry businesses; amending s. 290.044, F.S.; revising the amounts that may be set aside from the neighborhood revitalization category of the Small Cities Community Development Block Grant Program Fund; creating s. 311.22, F.S.; establishing a program to provide matching funds for dredging projects in eligible counties; requiring that funds appropriated under the program be used for certain projects; requiring that the Florida Seaport Transportation and Economic Development Council adopt rules for evaluating the dredging projects; providing for a project-review process by the Department of Community Affairs, the Department of Transportation, and the Office of Tourism, Trade, and Economic Development; amending s. 339.135, F.S.; authorizing increased appropriations for certain projects in the Department of Transportation; creating s. 320.0846, F.S.; providing for free motor vehicle license plates for active members of the Florida National Guard; creating s. 250.5206, F.S.; creating the Family Readiness Program in the Department of Military Affairs; providing purpose, availability and use of funding, services, eligibility, application and review; providing for a report; creating the Family Readiness Advisory Board and specifying membership; reenacting s. 215.32(2)(b), F.S., relating to the source and use of trust funds; amending s. 216.192, F.S.; prescribing additional conditions that must be met before the release or transfer of agency funds or the transfer of positions; providing goals for implementing the Aspire project; providing factors to be considered; providing for review; providing finding of best interest of the state for authorization and issuance of certain debt; providing for future repeal or expiration of various provisions; providing for reversion of certain provisions; providing effect of veto of specific appropriation or proviso to which implementing language refers; incorporating by reference specified performance measures and standards directly linked to the appropriations made in the 2005-2006 General Appropriations Act, as required by the Government Performance and Accountability Act of 1994; providing severability; providing effective dates.

Pursuant to Rule 7.6, **House Amendment 1** constituted an entirely new bill and was not published in the journal.

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

The action of the Senate was certified to the House.

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The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 388, with amendment(s), and requests the concurrence of the Senate or, failing to concur, requests the Senate to appoint a committee of conference to meet with a like committee appointed by the Speaker to resolve differences between the houses.

*John B. Phelps, Clerk*

**CS for SB 388**—A bill to be entitled An act relating to student financial aid; amending ss. 1009.50, 1009.51, and 1009.52, F.S.; authorizing

the deposit of funds appropriated by the Legislature for student financial assistance into the State Student Financial Assistance Trust Fund; amending s. 1009.89, F.S.; eliminating a requirement that funds appropriated for the William L. Boyd, IV, Florida Resident Access Grant Program be deposited into such trust fund; providing an effective date.

**House Amendment 1 (935807)(with title amendment)**—Remove everything after the enacting clause and insert:

Section 1. Paragraph (b) of subsection (2) of section 287.055, Florida Statutes, is amended, and paragraph (e) is added to subsection (4) of said section, to read:

287.055 Acquisition of professional architectural, engineering, landscape architectural, or surveying and mapping services; definitions; procedures; contingent fees prohibited; penalties.—

(2) DEFINITIONS.—For purposes of this section:

(b) “Agency” means the state, a state agency, a municipality, a political subdivision, a school district, ~~or a school board, or a regional consortium service organization formed under s. 1001.451.~~ The term “agency” does not extend to a nongovernmental developer that contributes public facilities to a political subdivision under s. 380.06 or ss. 163.3220-163.3243.

(4) COMPETITIVE SELECTION.—

(e) A school district may make purchases under contracts procured pursuant to this section by a regional consortium service organization, formed under s. 1001.451, of which it is a member.

Section 2. Paragraph (a) of subsection (2) of section 1001.451, Florida Statutes, is amended to read:

1001.451 Regional consortium service organizations.—In order to provide a full range of programs to larger numbers of students, minimize duplication of services, and encourage the development of new programs and services:

(2)(a) Each regional consortium service organization that consists of four or more school districts is eligible to receive, through the Department of Education, an incentive grant *as provided in the annual General Appropriations Act of \$25,000 per school district* to be used for the delivery of services within the participating school districts.

Section 3. Section 1001.453, Florida Statutes, is amended to read:

1001.453 Direct-support organization; use of property; board of directors; audit.—

(1) DEFINITIONS.—For the purposes of this section, the term:

(a) “~~District school board~~ Direct-support organization” means a *district school board direct-support organization or a regional consortium service organization direct-support* ~~an~~ organization that:

1. Is approved by the district school board *or regional consortium service organization board of directors*;

2. Is a Florida corporation not for profit, incorporated under the provisions of chapter 617 and approved by the Department of State; and

3. Is organized and operated exclusively to receive, hold, invest, and administer property and to make expenditures to or for the benefit of public kindergarten through 12th grade education and adult career and community education programs in this state.

(b) “Personal services” includes full-time or part-time personnel, as well as payroll processing.

(c) “Regional consortium service organization” means an organization formed under s. 1001.451.

(2) USE OF PROPERTY.—A district school board *or regional consortium service organization board of directors*:

(a) Is authorized to permit the use of property, facilities, and personal services of the district *or regional consortium service organization* by a direct-support organization, subject to the provisions of this section.

(b) Shall prescribe by rule conditions with which a ~~district school board~~ direct-support organization must comply in order to use property, facilities, or personal services of the district *or regional consortium service organization*. Adoption of such rules shall be coordinated with the Department of Education. The rules shall provide for budget and audit review and oversight by the district school board *or regional consortium service organization board of directors* and the department.

(c) Shall not permit the use of property, facilities, or personal services of a direct-support organization if such organization does not provide equal employment opportunities to all persons, regardless of race, color, religion, sex, age, or national origin.

(3) BOARD OF DIRECTORS.—The board of directors of the ~~district school board~~ direct-support organization shall be approved by the district school board *or the regional consortium service organization board of directors*.

(4) ANNUAL AUDIT.—Each direct-support organization with more than \$100,000 in expenditures or expenses shall provide for an annual ~~financial~~ audit of its *financial statements in order to express an opinion on the fairness with which the financial statements are presented in conformance with generally accepted accounting principles. The audit is accounts and records*, to be conducted by an independent certified public accountant in accordance with rules adopted by the Auditor General pursuant to s. 11.45(8) and the Commissioner of Education. The annual audit report shall be submitted *to the Auditor General and the district school board or regional consortium service organization board of directors for review* within 9 months after the end of the fiscal year *or by the date established by year’s end to the district school board or regional consortium service organization board of directors* and the Auditor General, *whichever is earlier*. The Commissioner of Education, the Auditor General, and the Office of Program Policy Analysis and Government Accountability have the authority to require and receive from the organization or the district auditor *or regional consortium service organization auditor* any records relative to the operation of the organization. The identity of donors and all information identifying donors and prospective donors are confidential and exempt from the provisions of s. 119.07(1), and that anonymity shall be maintained in the auditor’s report. All other records and information shall be considered public records for the purposes of chapter 119.

Section 4. Subsection (5) of section 1009.50, Florida Statutes, is amended to read:

1009.50 Florida Public Student Assistance Grant Program; eligibility for grants.—

(5) Funds appropriated by the Legislature for state student assistance grants ~~may shall~~ be deposited in the State Student Financial Assistance Trust Fund. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year that has been allocated to the Florida Public Student Assistance Grant Program shall remain therein and shall be available for carrying out the purposes of this section.

Section 5. Subsection (5) of section 1009.51, Florida Statutes, is amended to read:

1009.51 Florida Private Student Assistance Grant Program; eligibility for grants.—

(5) Funds appropriated by the Legislature for Florida private student assistance grants ~~may shall~~ be deposited in the State Student Financial Assistance Trust Fund. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year that has been allocated to the Florida Private Student Assistance Grant Program shall remain therein and shall be available for carrying out the purposes of this section and as otherwise provided by law.

Section 6. Subsection (6) of section 1009.52, Florida Statutes, is amended to read:

1009.52 Florida Postsecondary Student Assistance Grant Program; eligibility for grants.—

(6) Funds appropriated by the Legislature for Florida postsecondary student assistance grants ~~may shall~~ be deposited in the State Student

Financial Assistance Trust Fund. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year that has been allocated to the Florida Postsecondary Student Assistance Grant Program shall remain therein and shall be available for carrying out the purposes of this section and as otherwise provided by law.

Section 7. Subsection (6) of section 1009.89, Florida Statutes, is amended to read:

1009.89 The William L. Boyd, IV, Florida resident access grants.—

(6) Funds appropriated by the Legislature for the William L. Boyd, IV, Florida Resident Access Grant Program *may shall* be deposited in the State Student Financial Assistance Trust Fund. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year which has been allocated to the William L. Boyd, IV, Florida Resident Access Grant Program shall remain therein and shall be available for carrying out the purposes of this section. If the number of eligible students exceeds the total authorized in the General Appropriations Act, an institution may use its own resources to assure that each eligible student receives the full benefit of the grant amount authorized.

Section 8. Section 1010.09, Florida Statutes, is amended to read:

1010.09 Direct-support organizations.—School district, *regional consortium service organization*, community college, and university direct-support organizations shall be organized and conducted under the provisions of ss. 1001.453, 1004.28, and 1004.70 and rules of the State Board of Education, as applicable.

Section 9. Section 1010.34, Florida Statutes, is amended to read:

1010.34 Audits of direct-support organizations.—Audits of school district, *regional consortium service organization*, community college, and state university direct-support organizations are subject to the audit provisions of ss. 1001.453(4), 1004.28(5), and 1004.70(6), as applicable.

Section 10. Section 1010.72, Florida Statutes, is amended to read:

1010.72 Dale Hickam Excellent Teaching Program Trust Fund.—The Dale Hickam Excellent Teaching Program Trust Fund is created to be administered by the Department of Education. Funds *may must* be credited to the trust fund as provided in chapter 98-309, Laws of Florida, to be used for the purposes set forth therein.

Section 11. Subsection (6) of section 1011.62, Florida Statutes, is amended to read:

1011.62 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(6) DETERMINATION OF SPARSITY SUPPLEMENT.—

(a) Annually, in an amount to be determined by the Legislature through the General Appropriations Act, there shall be added to the basic amount for current operation of the FEFP qualified districts a sparsity supplement which shall be computed as follows:

$$\text{Sparsity Factor} = \frac{1101.8918}{2700 + \text{district sparsity index}} - 0.1101$$

except that districts with a sparsity index of 1,000 or less shall be computed as having a sparsity index of 1,000, and districts having a sparsity index of 7,308 and above shall be computed as having a sparsity factor of zero. A qualified district's full-time equivalent student membership shall equal or be less than that prescribed annually by the Legislature in the appropriations act. The amount prescribed annually by the Legislature shall be no less than 17,000, but no more than 24,000. *A district that exceeds the full-time equivalent student membership requirement shall receive a one-time transition supplement in the amount of one-half of the sparsity supplement calculated for said district provided the dis-*

*trict qualified for the sparsity supplement in each of the most recent 3 fiscal years.*

(b) The district sparsity index shall be computed by dividing the total number of full-time equivalent students in all programs in the district by the number of senior high school centers in the district, not in excess of three, which centers are approved as permanent centers by a survey made by the Department of Education.

(c) Each district's allocation of sparsity supplement funds shall be adjusted in the following manner:

1. A maximum discretionary levy per FTE value for each district shall be calculated by dividing the value of each district's maximum discretionary levy by its FTE student count.;

2. A state average discretionary levy value per FTE shall be calculated by dividing the total maximum discretionary levy value for all districts by the state total FTE student count.;

3. *A total potential funds per FTE for each district shall be calculated by dividing the total potential funds, not including Florida School Recognition Program funds and the minimum guarantee, for each district by its FTE student count.*

4. *A state average total potential funds per FTE shall be calculated by dividing the total potential funds, not including Florida School Recognition Program funds and the minimum guarantee, for all districts by the state total FTE student count.*

5.3. For districts that have a levy value per FTE as calculated in subparagraph 1. higher than the state average calculated in subparagraph 2., a sparsity wealth adjustment shall be calculated as the product of the difference between the state average levy value per FTE calculated in subparagraph 2. and the district's levy value per FTE calculated in subparagraph 1. and the district's FTE student count and -1. *However, no district shall have a sparsity wealth adjustment which, when applied to the total potential funds calculated in subparagraph 3., would cause the district's total potential funds per FTE to be less than the state average calculated in subparagraph 4.;*

6.4. Each district's sparsity supplement allocation shall be calculated by adding the amount calculated as specified in paragraphs (a) and (b) and the wealth adjustment amount calculated in this paragraph.

Section 12. Section 1011.765, Florida Statutes, is amended to read:

1011.765 Florida Academic Improvement Trust Fund matching grants.—

(1) MATCHING GRANTS.—The Florida Academic Improvement Trust Fund shall be utilized to provide matching grants to the Florida School for the Deaf and the Blind Endowment Fund, ~~and to~~ any public school district education foundation, *and any regional consortium service organization education foundation* that meets the requirements of this section and is recognized by the local school district as a ~~its~~ designated K-12 education foundation. *For purposes of this section, "regional consortium service organization" means an organization formed under s. 1001.451.*

(a) The State Board of Education shall adopt rules for the administration, submission, documentation, evaluation, and approval of requests for matching funds and for maintaining accountability for matching funds.

(b) Donations, state matching funds, or proceeds from endowments established pursuant to this section shall be used at the discretion of the public school district education foundation, *the regional consortium service organization education foundation*, or the Florida School for the Deaf and the Blind for academic achievement within the school district, *school districts*, or school, and shall not be expended for the construction of facilities or for the support of interscholastic athletics. ~~A No~~ public school district education foundation, *a regional consortium service organization education foundation*, or the Florida School for the Deaf and the Blind shall ~~not~~ accept or purchase facilities for which the state will be asked for operating funds unless the Legislature has granted prior approval for such acquisition.

(2) ALLOCATION OF THE TRUST FUND.—Funds appropriated to the Florida Academic Improvement Trust Fund shall be allocated by the Department of Education in the following manner:

(a) For every year in which there is a legislative appropriation to the trust fund, an equal amount of the annual appropriation, to be determined by dividing the total legislative appropriation by the number of local education foundations *and regional consortium service organization education foundations*, as well as the Florida School for the Deaf and the Blind, must be reserved for each public school district education foundation, *each regional consortium service organization education foundation*, and the Florida School for the Deaf and the Blind Endowment Fund to provide each foundation and the Florida School for the Deaf and the Blind with an opportunity to receive and match appropriated funds. Trust funds that remain unmatched by contribution on April 1 of any year shall be made available for matching by any public school district education foundation, *by any regional consortium service organization education foundation*, and by the Florida School for the Deaf and the Blind which shall have an opportunity to apply for excess trust funds prior to the award of such funds.

(b) Matching grants shall be proportionately allocated from the trust fund on the basis of matching each \$4 of state funds with \$6 of private funds. To be eligible for matching, a minimum of \$4,500 must be raised from private sources.

(c) Funds sufficient to provide the match shall be transferred from the state trust fund to the public school education foundation, *to the regional consortium service organization education foundation*, or to the Florida School for the Deaf and the Blind Endowment Fund upon notification that a proportionate amount has been received and deposited by the foundation or school into its own trust fund.

(d) If the total of the amounts to be distributed in any quarter pursuant to this subsection exceeds the amount of funds remaining from specific appropriations made for the implementation of this section, all grants shall be proportionately reduced so that the total of matching grants distributed does not exceed available appropriations.

### (3) GRANT ADMINISTRATION.—

(a) Each public school district education foundation, *each regional consortium service organization education foundation*, and the Florida School for the Deaf and the Blind participating in the Florida Academic Improvement Trust Fund shall separately account for all funds received pursuant to this section, and may establish its own academic improvement trust fund as a depository for the private contributions, state matching funds, and earnings on investments of such funds. State matching funds shall be transferred to the public school district education foundation, *to the regional consortium service organization education foundation*, or to the Florida School for the Deaf and the Blind Endowment Fund upon notification that the foundation or school has received and deposited private contributions that meet the criteria for matching as provided in this section. The public school district education foundations, *the regional consortium service organization education foundations*, and the Florida School for the Deaf and the Blind are responsible for the maintenance, investment, and administration of their academic improvement trust funds.

(b) The public school district education foundations, *the regional consortium service organization education foundations*, and the Florida School for the Deaf and the Blind shall be responsible for soliciting and receiving contributions to be deposited and matched with grants for academic achievement within the school district, *school districts*, or school.

(c) Each public school district education foundation, *each regional consortium service organization education foundation*, and the Florida School for the Deaf and the Blind shall be responsible for proper expenditure of the funds received pursuant to this section.

Section 13. Subsection (1) of section 1011.94, Florida Statutes, is amended to read:

#### 1011.94 Trust Fund for University Major Gifts.—

(1) There is established a Trust Fund for University Major Gifts. The purpose of the trust fund is to enable each university and New College to provide donors with an incentive in the form of matching grants for donations for the establishment of permanent endowments and sales tax exemption matching funds received pursuant to s. 212.08(5)(j), which must be invested, with the proceeds of the investment used to support libraries and instruction and research programs, as defined by the State

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

Section 14. Subsections (1) and (3) of section 1013.79, Florida Statutes, are amended to read:

#### 1013.79 University Facility Enhancement Challenge Grant Program.—

(1) The Legislature recognizes that the universities do not have sufficient physical facilities to meet the current demands of their instructional and research programs. It further recognizes that, to strengthen and enhance universities, it is necessary to provide facilities in addition to those currently available from existing revenue sources. It further recognizes that there are sources of private support that, if matched with state support, can assist in constructing much-needed facilities and strengthen the commitment of citizens and organizations in promoting excellence throughout the state universities. Therefore, it is the intent of the Legislature to establish a trust fund to provide the opportunity for each university to receive *support for* ~~and match~~ challenge grants for instructional and research-related capital facilities within the university.

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

Section 15. This act shall take effect July 1, 2005.

And the title is amended as follows:

Remove the entire title and insert:

A bill to be entitled An act relating to education funding; amending s. 287.055, F.S.; including regional consortium service organizations under provisions relating to procurement and competitive selection of certain professional services; amending s. 1001.451, F.S.; revising provisions for award of incentive grants to regional consortium service organizations; amending 1001.453, F.S.; revising definition of direct-support organization to include a regional consortium service organization direct-support organization; authorizing use of property and requiring rules; providing for approval of a board of directors and requiring audits; amending ss. 1009.50, 1009.51, 1009.52, and 1009.89, F.S.; authorizing funds appropriated for Florida public student assistance grants, Florida private student assistance grants, Florida postsecondary student assistance grants, and William L. Boyd, IV, Florida resident access grants to be deposited in the State Student Financial Assistance Trust Fund; amending ss. 1010.09 and 1010.34, F.S.; conforming provisions relating to direct-support organizations and audits thereof; amending s. 1010.72,

F.S.; authorizing funds to be credited to the Dale Hickam Excellent Teaching Program Trust Fund; amending s. 1011.62, F.S., relating to funds for operation of schools; providing for a transition sparsity supplement under certain circumstances; revising provisions relating to the manner in which each school district's allocation of sparsity supplement funds shall be adjusted; amending s. 1011.765, F.S.; providing that the Florida Academic Improvement Trust Fund shall be utilized to provide matching grants to regional consortium service organization education foundations; amending s. 1011.94, F.S.; authorizing funds to be deposited in the Trust Fund for University Major Gifts; amending s. 1013.79, F.S.; authorizing the appropriation of funds to be transferred to the Alec P. Courtelis Capital Facilities Matching Trust Fund; providing an effective date.

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

The action of the Senate was certified to the House.

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The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 392, with amendment(s), and requests the concurrence of the Senate or, failing to concur, requests the Senate to appoint a committee of conference to meet with a like committee appointed by the Speaker to resolve differences between the houses.

*John B. Phelps, Clerk*

**CS for SB 392**—A bill to be entitled An act relating to the Water Quality Assurance Trust Fund; amending s. 376.307, F.S.; authorizing the Department of Environmental Protection to use certain funds for brownfield activities; providing an effective date.

**House Amendment 1 (156373)(with title amendment)**—Remove everything after the enacting clause

And the title is amended as follows:

Remove the entire title

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

The action of the Senate was certified to the House.

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The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 394, with amendment(s), and requests the concurrence of the Senate or, failing to concur, requests the Senate to appoint a committee of conference to meet with a like committee appointed by the Speaker to resolve differences between the houses.

*John B. Phelps, Clerk*

**CS for SB 394**—A bill to be entitled An act relating to the enforcement of farm labor laws; amending s. 450.38, F.S.; requiring that moneys to enforce farm labor laws be transferred to the Professional Regulation Trust Fund from the Workers' Compensation Administration Trust Fund within the Department of Financial Services; authorizing the appropriation of moneys for such purpose; providing an effective date.

**House Amendment 1 (919467)(with title amendment)**—Remove everything after the enacting clause and insert:

Section 1. Subsection (8) is added to section 450.38, Florida Statutes, to read:

450.38 Enforcement of farm labor laws.—

(8) Funds for the enforcement of the farm labor laws shall be transferred to the Professional Regulation Trust Fund within the Department of Business and Professional Regulation from the Workers' Compensation Administration Trust Fund within the Department of Financial Services.

Section 2. In addition to the purpose of the Workers' Compensation Administration Trust Fund specified in section 440.50(1)(a), Florida Statutes, funds in the Workers' Compensation Administration Trust Fund within the Department of Financial Services may also be appropriated to fund the enforcement of farm labor laws by the Department of Business and Professional Regulation.

Section 3. This act shall take effect January 1, 2006.

And the title is amended as follows:

Remove the entire title and insert:

A bill to be entitled An act relating to the enforcement of farm labor laws; amending s. 450.38, F.S.; requiring that funds for the enforcement of farm labor laws be transferred to the Professional Regulation Trust Fund within the Department of Business and Professional Regulation from the Workers' Compensation Administration Trust Fund within the Department of Financial Services; authorizing the appropriation of moneys for such purpose; providing an effective date.

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

The action of the Senate was certified to the House.

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The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 400, with amendment(s), and requests the concurrence of the Senate or, failing to concur, requests the Senate to appoint a committee of conference to meet with a like committee appointed by the Speaker to resolve differences between the houses.

*John B. Phelps, Clerk*

**CS for SB 400**—A bill to be entitled An act relating to the procurement of commodities or contractual services; amending s. 287.057, F.S.; requiring that the Department of Management Services compensate a provider for on-line procurement pursuant to appropriation after satisfying ongoing costs; requiring that the provider report transaction data to the department; requiring that fees due to the state on a transactional basis or as a fixed percentage of savings generated be deposited into the State Treasury; requiring that a vendor pay interest on the balance of fees remaining due and unpaid; providing an effective date.

**House Amendment 1 (236479)(with title amendment)**—Remove everything after the enacting clause and insert:

Section 1. Paragraph (c) of subsection (23) of section 287.057, Florida Statutes, is amended to read:

287.057 Procurement of commodities or contractual services.—

(23)

(c)1. The department may impose and shall collect all fees for the use of the on-line procurement systems. Such fees may be imposed on an individual transaction basis or as a fixed percentage of the cost savings generated. At a minimum, the fees must be set in an amount sufficient to cover the projected costs of such services, including administrative and project service costs in accordance with the policies of the department. All fees and surcharges collected under this paragraph shall be deposited into the Grants and Donations Trust Fund as provided by law.

2. If the department contracts with a provider for on-line procurement, the department, pursuant to appropriation, shall compensate the provider from such fees after the department has satisfied all ongoing costs. The provider shall report transaction data to the department each month so that the department may determine the amount due and payable to the department from each vendor.

3. All fees that are due and payable to the state on a transactional basis or as a fixed percentage of the cost savings generated are subject to s. 215.31 and must be remitted within 40 days after receipt of payment for which such fees are due. For any fees that are not remitted within 40

~~days, the vendor shall pay interest at the rate established under s. 55.03(1) on the unpaid balance from the expiration of the 40-day period until the fees are remitted. For the purposes of compensating the provider, the department may authorize the provider to collect and retain a portion of the fees. The providers may withhold the portion retained from the amount of fees to be remitted to the department. The department may negotiate the retainage as a percentage of such fees charged to users, as a flat amount, or as any other method the department deems feasible. All fees and surcharges collected under this paragraph shall be deposited in the Grants and Donation Trust Fund as provided by law.~~

Section 2. This act shall take effect January 1, 2006.

And the title is amended as follows:

Remove the entire title, and insert:

A bill to be entitled An act relating to the procurement of commodities or contractual services; amending s. 287.057, F.S.; requiring that the Department of Management Services compensate a provider for on-line procurement pursuant to appropriation after satisfying ongoing costs; requiring that the provider report transaction data to the department; requiring that fees due to the state on a transactional basis or as a fixed percentage of savings generated be deposited into the State Treasury; requiring that a vendor pay interest on the balance of fees remaining due and unpaid; providing an effective date.

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

The action of the Senate was certified to the House.

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 404, with amendment(s), and requests the concurrence of the Senate or, failing to concur, requests the Senate to appoint a committee of conference to meet with a like committee appointed by the Speaker to resolve differences between the houses.

John B. Phelps, Clerk

**CS for CS for SB 404**—A bill to be entitled An act relating to health care; amending s. 400.23, F.S.; delaying provisions requiring a nursing home staffing increase; amending ss. 409.903, 409.904, F.S.; deleting certain limitations on services to the medically needy; amending s. 409.906, F.S., relating to optional Medicaid services; providing for adult denture services; repealing s. 409.9065, F.S., relating to pharmaceutical expense assistance; amending s. 409.908, F.S.; revising guidelines relating to reimbursement of Medicaid providers; amending ss. 409.9112, 409.9113, 409.9117, F.S., relating to the hospital disproportionate share program; deleting obsolete provisions; amending s. 409.91195, F.S.; revising provisions relating to the Medicaid Pharmaceutical and Therapeutics Committee and its duties with respect to developing a preferred drug list; amending s. 409.912, F.S.; revising the Medicaid prescribed drug spending control program; eliminating case management fees; directing the Agency for Health Care Administration to implement, and authorizing it to seek federal waivers for, the program of all-inclusive care for children; amending s. 409.9122, F.S.; revising a provision governing assignment to a managed care option for a Medicaid recipient who does not choose a plan or provider in certain geographic areas where the Agency for Health Care Administration contracts for comprehensive behavioral health services; amending s. 409.9124, F.S.; requiring the Agency for Health Care Administration to publish managed care reimbursement rates annually; limiting the application of certain rates and rate reductions; providing effective dates.

**House Amendment 1 (932633)(with title amendment)**—Remove the entire body and insert:

Section 1. Paragraph (a) of subsection (3) of section 400.23, Florida Statutes, is amended to read:

400.23 Rules; evaluation and deficiencies; licensure status.—

(3)(a) The agency shall adopt rules providing for the minimum staffing requirements for nursing homes. These requirements shall include,

for each nursing home facility, a minimum certified nursing assistant staffing of 2.3 hours of direct care per resident per day beginning January 1, 2002, increasing to 2.6 hours of direct care per resident per day beginning January 1, 2003, and increasing to 2.9 hours of direct care per resident per day beginning July 1, 2006 2005. Beginning January 1, 2002, no facility shall staff below one certified nursing assistant per 20 residents, and a minimum licensed nursing staffing of 1.0 hour of direct resident care per resident per day but never below one licensed nurse per 40 residents. Nursing assistants employed under s. 400.211(2) may be included in computing the staffing ratio for certified nursing assistants only if they provide nursing assistance services to residents on a full-time basis. Each nursing home must document compliance with staffing standards as required under this paragraph and post daily the names of staff on duty for the benefit of facility residents and the public. The agency shall recognize the use of licensed nurses for compliance with minimum staffing requirements for certified nursing assistants, provided that the facility otherwise meets the minimum staffing requirements for licensed nurses and that the licensed nurses so recognized are performing the duties of a certified nursing assistant. Unless otherwise approved by the agency, licensed nurses counted toward the minimum staffing requirements for certified nursing assistants must exclusively perform the duties of a certified nursing assistant for the entire shift and shall not also be counted toward the minimum staffing requirements for licensed nurses. If the agency approved a facility's request to use a licensed nurse to perform both licensed nursing and certified nursing assistant duties, the facility must allocate the amount of staff time specifically spent on certified nursing assistant duties for the purpose of documenting compliance with minimum staffing requirements for certified and licensed nursing staff. In no event may the hours of a licensed nurse with dual job responsibilities be counted twice.

Section 2. Subsections (2) and (5) of section 409.814, Florida Statutes, are amended to read:

409.814 Eligibility.—A child who has not reached 19 years of age whose family income is equal to or below 200 percent of the federal poverty level is eligible for the Florida KidCare program as provided in this section. For enrollment in the Children's Medical Services Network, a complete application includes the medical or behavioral health screening. If, subsequently, an individual is determined to be ineligible for coverage, he or she must immediately be disenrolled from the respective Florida KidCare program component.

(2) A child who is not eligible for Medicaid, but who is eligible for the Florida KidCare program, may obtain health benefits coverage under any of the other components listed in s. 409.813 if such coverage is approved and available in the county in which the child resides. However, a child who is eligible for Medikids, including those eligible under subsection (5), may participate in the Florida Healthy Kids program only if the child has a sibling participating in the Florida Healthy Kids program and the child's county of residence permits such enrollment.

(5) A child whose family income is above 200 percent of the federal poverty level or a child who is excluded under the provisions of subsection (4) may apply for coverage and shall be allowed to participate in the Florida KidCare program, excluding the Medicaid program, but is subject to the following provisions:

(a) The family is not eligible for premium assistance payments and must pay the full cost of the premium, including any administrative costs.

(b) The agency is authorized to place limits on enrollment in Medikids by these children in order to avoid adverse selection. The number of children participating in Medikids whose family income exceeds 200 percent of the federal poverty level must not exceed 10 percent of total enrollees in the Medikids program.

(c) The board of directors of the Florida Healthy Kids Corporation is authorized to place limits on enrollment of these children in order to avoid adverse selection. In addition, the board is authorized to offer a reduced benefit package to these children in order to limit program costs for such families. The number of children participating in the Florida Healthy Kids program whose family income exceeds 200 percent of the federal poverty level must not exceed 10 percent of total enrollees in the Florida Healthy Kids program.

(d) Children described in this subsection are not counted in the annual enrollment ceiling for the Florida KidCare program.

Section 3. Subsection (5) of section 409.903, Florida Statutes, is amended to read:

409.903 Mandatory payments for eligible persons.—The agency shall make payments for medical assistance and related services on behalf of the following persons who the department, or the Social Security Administration by contract with the Department of Children and Family Services, determines to be eligible, subject to the income, assets, and categorical eligibility tests set forth in federal and state law. Payment on behalf of these Medicaid eligible persons is subject to the availability of moneys and any limitations established by the General Appropriations Act or chapter 216.

(5) A pregnant woman for the duration of her pregnancy and for the postpartum period as defined in federal law and rule, or a child under age 1, if either is living in a family that has an income which is at or below 150 percent of the most current federal poverty level, or, effective January 1, 1992, that has an income which is at or below 185 percent of the most current federal poverty level. Such a person is not subject to an assets test. Further, a pregnant woman who applies for eligibility for the Medicaid program through a qualified Medicaid provider must be offered the opportunity, subject to federal rules, to be made presumptively eligible for the Medicaid program. ~~Effective July 1, 2005, eligibility for Medicaid services is eliminated for women who have incomes above 150 percent of the most current federal poverty level.~~

Section 4. Subsections (1) and (2) of section 409.904, Florida Statutes, are amended to read:

409.904 Optional payments for eligible persons.—The agency may make payments for medical assistance and related services on behalf of the following persons who are determined to be eligible subject to the income, assets, and categorical eligibility tests set forth in federal and state law. Payment on behalf of these Medicaid eligible persons is subject to the availability of moneys and any limitations established by the General Appropriations Act or chapter 216.

(1)(a) *From July 1, 2005, through December 31, 2005, inclusive, a person who is age 65 or older or is determined to be disabled, whose income is at or below 88 percent of federal poverty level, and whose assets do not exceed established limitations.*

(b) *Effective January 1, 2006, and subject to federal waiver approval, a person who is age 65 or older or is determined to be disabled, whose income is at or below 88 percent of the federal poverty level, whose assets do not exceed established limitations, and who is not eligible for Medicare, or, if eligible for Medicare, is also eligible for and receiving Medicaid-covered institutional care or hospice or home-based and community-based services. The agency shall seek federal authorization through a waiver to provide this coverage.*

(2) A family, a pregnant woman, a child under age 21, a person age 65 or over, or a blind or disabled person, who would be eligible under any group listed in s. 409.903(1), (2), or (3), except that the income or assets of such family or person exceed established limitations. For a family or person in one of these coverage groups, medical expenses are deductible from income in accordance with federal requirements in order to make a determination of eligibility. A family or person eligible under the coverage known as the “medically needy,” is eligible to receive the same services as other Medicaid recipients, with the exception of services in skilled nursing facilities and intermediate care facilities for the developmentally disabled. ~~Effective July 1, 2005, the medically needy are eligible for prescribed drug services only.~~

Section 5. Paragraph (b) of subsection (1) of section 409.906, Florida Statutes, is amended to read:

409.906 Optional Medicaid services.—Subject to specific appropriations, the agency may make payments for services which are optional to the state under Title XIX of the Social Security Act and are furnished by Medicaid providers to recipients who are determined to be eligible on the dates on which the services were provided. Any optional service that is provided shall be provided only when medically necessary and in accordance with state and federal law. Optional services rendered by providers in mobile units to Medicaid recipients may be restricted or prohibited by the agency. Nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or making any other adjustments necessary to comply with the availability of moneys

and any limitations or directions provided for in the General Appropriations Act or chapter 216. If necessary to safeguard the state’s systems of providing services to elderly and disabled persons and subject to the notice and review provisions of s. 216.177, the Governor may direct the Agency for Health Care Administration to amend the Medicaid state plan to delete the optional Medicaid service known as “Intermediate Care Facilities for the Developmentally Disabled.” Optional services may include:

(1) ADULT DENTAL SERVICES.—

(b) ~~Beginning January 1, 2005,~~ The agency may pay for dentures, the procedures required to seat dentures, and the repair and relining of dentures, provided by or under the direction of a licensed dentist, for a recipient who is 21 years of age or older. ~~This paragraph is repealed effective July 1, 2005.~~

Section 6. *Effective January 1, 2006, section 409.9065, Florida Statutes, is repealed.*

Section 7. Paragraph (b) of subsection (2) and subsection (14) of section 409.908, Florida Statutes, are amended to read:

409.908 Reimbursement of Medicaid providers.—Subject to specific appropriations, the agency shall reimburse Medicaid providers, in accordance with state and federal law, according to methodologies set forth in the rules of the agency and in policy manuals and handbooks incorporated by reference therein. These methodologies may include fee schedules, reimbursement methods based on cost reporting, negotiated fees, competitive bidding pursuant to s. 287.057, and other mechanisms the agency considers efficient and effective for purchasing services or goods on behalf of recipients. If a provider is reimbursed based on cost reporting and submits a cost report late and that cost report would have been used to set a lower reimbursement rate for a rate semester, then the provider’s rate for that semester shall be retroactively calculated using the new cost report, and full payment at the recalculated rate shall be effected retroactively. Medicare-granted extensions for filing cost reports, if applicable, shall also apply to Medicaid cost reports. Payment for Medicaid compensable services made on behalf of Medicaid eligible persons is subject to the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216. Further, nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or making any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act, provided the adjustment is consistent with legislative intent.

(2)

(b) Subject to any limitations or directions provided for in the General Appropriations Act, the agency shall establish and implement a Florida Title XIX Long-Term Care Reimbursement Plan (Medicaid) for nursing home care in order to provide care and services in conformance with the applicable state and federal laws, rules, regulations, and quality and safety standards and to ensure that individuals eligible for medical assistance have reasonable geographic access to such care.

1. Changes of ownership or of licensed operator do not qualify for increases in reimbursement rates associated with the change of ownership or of licensed operator. The agency shall amend the Title XIX Long Term Care Reimbursement Plan to provide that the initial nursing home reimbursement rates, for the operating, patient care, and MAR components, associated with related and unrelated party changes of ownership or licensed operator filed on or after September 1, 2001, are equivalent to the previous owner’s reimbursement rate.

2. The agency shall amend the long-term care reimbursement plan and cost reporting system to create direct care and indirect care subcomponents of the patient care component of the per diem rate. These two subcomponents together shall equal the patient care component of the per diem rate. Separate cost-based ceilings shall be calculated for each patient care subcomponent. The direct care *and indirect care subcomponents* subcomponent of the per diem rate shall be limited by the cost-based class ceiling, and the indirect care subcomponent shall be limited by the lower of a the cost-based class ceiling, a by the target rate class ceiling, or an by the individual provider target for each subcomponent. ~~The agency shall adjust the patient care component effective January 1, 2002. The cost to adjust the direct care subcomponent shall be the net~~

of the total funds previously allocated for the case mix add-on. ~~The agency shall make the required changes to the nursing home cost reporting forms to implement this requirement effective January 1, 2002.~~

3. The direct care subcomponent shall include salaries and benefits of direct care staff providing nursing services including registered nurses, licensed practical nurses, and certified nursing assistants who deliver care directly to residents in the nursing home facility. This excludes nursing administration, MDS, and care plan coordinators, staff development, and staffing coordinator.

4. All other patient care costs shall be included in the indirect care cost subcomponent of the patient care per diem rate. There shall be no costs directly or indirectly allocated to the direct care subcomponent from a home office or management company.

5. On July 1 of each year, the agency shall report to the Legislature direct and indirect care costs, including average direct and indirect care costs per resident per facility and direct care and indirect care salaries and benefits per category of staff member per facility.

6. In order to offset the cost of general and professional liability insurance, the agency shall amend the plan to allow for interim rate adjustments to reflect increases in the cost of general or professional liability insurance for nursing homes. This provision shall be implemented to the extent existing appropriations are available.

It is the intent of the Legislature that the reimbursement plan achieve the goal of providing access to health care for nursing home residents who require large amounts of care while encouraging diversion services as an alternative to nursing home care for residents who can be served within the community. The agency shall base the establishment of any maximum rate of payment, whether overall or component, on the available moneys as provided for in the General Appropriations Act. The agency may base the maximum rate of payment on the results of scientifically valid analysis and conclusions derived from objective statistical data pertinent to the particular maximum rate of payment.

(14) A provider of prescribed drugs shall be reimbursed the least of the amount billed by the provider, the provider's usual and customary charge, or the Medicaid maximum allowable fee established by the agency, plus a dispensing fee.

(a) For pharmacies with less than \$75,000 in average aggregate monthly payments, the Medicaid maximum allowable fee for ingredient cost will be based on the lower of: average wholesale price (AWP) minus 15.4 percent, wholesaler acquisition cost (WAC) plus 5.75 percent, the federal upper limit (FUL), the state maximum allowable cost (SMAC), or the usual and customary (UAC) charge billed by the provider.

(b) For pharmacies with \$75,000 or more in average aggregate monthly payments, the Medicaid maximum allowable fee for ingredient cost will be based on the lower of: average wholesale price (AWP) minus 17 percent, wholesaler acquisition cost (WAC) plus 3.75 percent, the federal upper limit (FUL), the state maximum allowable cost (SMAC), or the usual and customary (UAC) charge billed by the provider.

(c) Medicaid providers are required to dispense generic drugs if available at lower cost and the agency has not determined that the branded product is more cost-effective, unless the prescriber has requested and received approval to require the branded product. The agency is directed to implement a variable dispensing fee for payments for prescribed medicines while ensuring continued access for Medicaid recipients. The variable dispensing fee may be based upon, but not limited to, either or both the volume of prescriptions dispensed by a specific pharmacy provider, the volume of prescriptions dispensed to an individual recipient, and dispensing of preferred-drug-list products. The agency may increase the pharmacy dispensing fee authorized by statute and in the annual General Appropriations Act by \$0.50 for the dispensing of a Medicaid preferred-drug-list product and reduce the pharmacy dispensing fee by \$0.50 for the dispensing of a Medicaid product that is not included on the preferred drug list. The agency may establish a supplemental pharmaceutical dispensing fee to be paid to providers returning unused unit-dose packaged medications to stock and crediting the Medicaid program for the ingredient cost of those medications if the ingredient costs to be credited exceed the value of the supplemental dispensing fee. The agency is authorized to limit reimbursement for prescribed medicine in order to comply with any limitations or directions provided for in the General Appropriations Act, which may include implementing a prospective or concurrent utilization review program.

Section 8. Paragraph (a) of subsection (39) of section 409.912, Florida Statutes, is amended, and subsections (50) and (51) are added to said section, to read:

409.912 Cost-effective purchasing of health care.—The agency shall purchase goods and services for Medicaid recipients in the most cost-effective manner consistent with the delivery of quality medical care. To ensure that medical services are effectively utilized, the agency may, in any case, require a confirmation or second physician's opinion of the correct diagnosis for purposes of authorizing future services under the Medicaid program. This section does not restrict access to emergency services or poststabilization care services as defined in 42 C.F.R. part 438.114. Such confirmation or second opinion shall be rendered in a manner approved by the agency. The agency shall maximize the use of prepaid per capita and prepaid aggregate fixed-sum basis services when appropriate and other alternative service delivery and reimbursement methodologies, including competitive bidding pursuant to s. 287.057, designed to facilitate the cost-effective purchase of a case-managed continuum of care. The agency shall also require providers to minimize the exposure of recipients to the need for acute inpatient, custodial, and other institutional care and the inappropriate or unnecessary use of high-cost services. The agency may mandate prior authorization, drug therapy management, or disease management participation for certain populations of Medicaid beneficiaries, certain drug classes, or particular drugs to prevent fraud, abuse, overuse, and possible dangerous drug interactions. The Pharmaceutical and Therapeutics Committee shall make recommendations to the agency on drugs for which prior authorization is required. The agency shall inform the Pharmaceutical and Therapeutics Committee of its decisions regarding drugs subject to prior authorization. The agency is authorized to limit the entities it contracts with or enrolls as Medicaid providers by developing a provider network through provider credentialing. The agency may limit its network based on the assessment of beneficiary access to care, provider availability, provider quality standards, time and distance standards for access to care, the cultural competence of the provider network, demographic characteristics of Medicaid beneficiaries, practice and provider-to-beneficiary standards, appointment wait times, beneficiary use of services, provider turnover, provider profiling, provider licensure history, previous program integrity investigations and findings, peer review, provider Medicaid policy and billing compliance records, clinical and medical record audits, and other factors. Providers shall not be entitled to enrollment in the Medicaid provider network. The agency is authorized to seek federal waivers necessary to implement this policy.

(39)(a) The agency shall implement a Medicaid prescribed-drug spending-control program that includes the following components:

1. Medicaid prescribed-drug coverage for brand-name drugs for adult Medicaid recipients is limited to the dispensing of ~~three~~ ~~four~~ brand-name drugs and ~~three generic drugs~~ per month per recipient. Children are exempt from this restriction. ~~Antiretroviral agents are excluded from this limitation. No requirements for prior authorization or other restrictions on medications used to treat mental illnesses such as schizophrenia, severe depression, or bipolar disorder may be imposed on Medicaid recipients. Medications that will be available without restriction for persons with mental illnesses include atypical antipsychotic medications, conventional antipsychotic medications, selective serotonin reuptake inhibitors, and other medications used for the treatment of serious mental illnesses. The agency shall also limit the amount of a prescribed drug dispensed to no more than a 34-day supply. The agency shall continue to provide unlimited generic drugs, contraceptive drugs and items, and diabetic supplies. Although a drug may be included on the preferred drug formulary, it would not be exempt from the three-brand four-brand limit or the generic drug limit. The agency may authorize exceptions to the brand-name drug restriction based upon the treatment needs of the patients, only when such exceptions are based on prior consultation provided by the agency or an agency contractor, but the agency must establish procedures to ensure that:~~

a. ~~There will be a response to a request for prior consultation by telephone or other telecommunication device within 24 hours after receipt of a request for prior consultation;~~

b. ~~A 72-hour supply of the drug prescribed will be provided in an emergency or when the agency does not provide a response within 24 hours as required by sub-subparagraph a.; and~~

c. ~~Except for the exception for nursing home residents and other institutionalized adults and except for drugs on the restricted formulary~~

for which prior authorization may be sought by an institutional or community pharmacy, prior authorization for an exception to the brand-name drug restriction is sought by the prescriber and not by the pharmacy. When prior authorization is granted for a patient in an institutional setting beyond the brand-name drug restriction, such approval is authorized for 12 months and monthly prior authorization is not required for that patient.

2. Reimbursement to pharmacies for Medicaid prescribed drugs shall be set at the lesser of:

a. The average wholesale price (AWP) minus 15.4 percent, the wholesaler acquisition cost (WAC) plus 5.75 percent, the federal upper limit (FUL), the state maximum allowable cost (SMAC), or the usual and customary (UAC) charge billed by the provider for pharmacies with less than \$75,000 in average aggregate monthly payments.

b. The average wholesale price (AWP) minus 17 percent, wholesaler acquisition cost (WAC) plus 3.75 percent, the federal upper limit (FUL), the state maximum allowable cost (SMAC), or the usual and customary (UAC) charge billed by the provider for pharmacies with \$75,000 or more in average aggregate monthly payments.

3. The agency shall develop and implement a process for managing the drug therapies of Medicaid recipients who are using significant numbers of prescribed drugs each month. The management process may include, but is not limited to, comprehensive, physician-directed medical-record reviews, claims analyses, and case evaluations to determine the medical necessity and appropriateness of a patient's treatment plan and drug therapies. The agency may contract with a private organization to provide drug-program-management services. The Medicaid drug benefit management program shall include initiatives to manage drug therapies for HIV/AIDS patients, patients using 20 or more unique prescriptions in a 180-day period, and the top 1,000 patients in annual spending. The agency shall enroll any Medicaid recipient in the drug benefit management program if he or she meets the specifications of this provision and is not enrolled in a Medicaid health maintenance organization.

4. The agency may limit the size of its pharmacy network based on need, competitive bidding, price negotiations, credentialing, or similar criteria. The agency shall give special consideration to rural areas in determining the size and location of pharmacies included in the Medicaid pharmacy network. A pharmacy credentialing process may include criteria such as a pharmacy's full-service status, location, size, patient educational programs, patient consultation, disease-management services, and other characteristics. The agency may impose a moratorium on Medicaid pharmacy enrollment when it is determined that it has a sufficient number of Medicaid-participating providers.

5. The agency shall develop and implement a program that requires Medicaid practitioners who prescribe drugs to use a counterfeit-proof prescription pad for Medicaid prescriptions. The agency shall require the use of standardized counterfeit-proof prescription pads by Medicaid-participating prescribers or prescribers who write prescriptions for Medicaid recipients. The agency may implement the program in targeted geographic areas or statewide.

6. The agency may enter into arrangements that require manufacturers of generic drugs prescribed to Medicaid recipients to provide rebates of at least 15.1 percent of the average manufacturer price for the manufacturer's generic products. These arrangements shall require that if a generic-drug manufacturer pays federal rebates for Medicaid-reimbursed drugs at a level below 15.1 percent, the manufacturer must provide a supplemental rebate to the state in an amount necessary to achieve a 15.1-percent rebate level.

7. The agency may establish a preferred drug formulary in accordance with 42 U.S.C. s. 1396r-8, and, pursuant to the establishment of such formulary, it is authorized to negotiate supplemental rebates from manufacturers that are in addition to those required by Title XIX of the Social Security Act and at no less than 14 percent of the average manufacturer price as defined in 42 U.S.C. s. 1936 on the last day of a quarter unless the federal or supplemental rebate, or both, equals or exceeds 29 percent. There is no upper limit on the supplemental rebates the agency may negotiate. The agency may determine that specific products, brand-name or generic, are competitive at lower rebate percentages. Agreement to pay the minimum supplemental rebate percentage will guarantee a manufacturer that the Medicaid Pharmaceutical and Therapeutics

Committee will consider a product for inclusion on the preferred drug formulary. However, a pharmaceutical manufacturer is not guaranteed placement on the formulary by simply paying the minimum supplemental rebate. Agency decisions will be made on the clinical efficacy of a drug and recommendations of the Medicaid Pharmaceutical and Therapeutics Committee, as well as the price of competing products minus federal and state rebates. The agency is authorized to contract with an outside agency or contractor to conduct negotiations for supplemental rebates. For the purposes of this section, the term "supplemental rebates" means cash rebates. Effective July 1, 2004, value-added programs as a substitution for supplemental rebates are prohibited. The agency is authorized to seek any federal waivers to implement this initiative.

8. The agency shall establish an advisory committee for the purposes of studying the feasibility of using a restricted drug formulary for nursing home residents and other institutionalized adults. The committee shall be comprised of seven members appointed by the Secretary of Health Care Administration. The committee members shall include two physicians licensed under chapter 458 or chapter 459; three pharmacists licensed under chapter 465 and appointed from a list of recommendations provided by the Florida Long-Term Care Pharmacy Alliance; and two pharmacists licensed under chapter 465.

9. The Agency for Health Care Administration shall expand home delivery of pharmacy products. To assist Medicaid patients in securing their prescriptions and reduce program costs, the agency shall expand its current mail-order-pharmacy diabetes-supply program to include all generic and brand-name drugs used by Medicaid patients with diabetes. Medicaid recipients in the current program may obtain nondiabetes drugs on a voluntary basis. This initiative is limited to the geographic area covered by the current contract. The agency may seek and implement any federal waivers necessary to implement this subparagraph.

10. The agency shall limit to one dose per month any drug prescribed to treat erectile dysfunction.

11.a. The agency shall implement a Medicaid behavioral drug management system. The agency may contract with a vendor that has experience in operating behavioral drug management systems to implement this program. The agency is authorized to seek federal waivers to implement this program.

b. The agency, in conjunction with the Department of Children and Family Services, may implement the Medicaid behavioral drug management system that is designed to improve the quality of care and behavioral health prescribing practices based on best practice guidelines, improve patient adherence to medication plans, reduce clinical risk, and lower prescribed drug costs and the rate of inappropriate spending on Medicaid behavioral drugs. The program shall include the following elements:

(I) Provide for the development and adoption of best practice guidelines for behavioral health-related drugs such as antipsychotics, antidepressants, and medications for treating bipolar disorders and other behavioral conditions; translate them into practice; review behavioral health prescribers and compare their prescribing patterns to a number of indicators that are based on national standards; and determine deviations from best practice guidelines.

(II) Implement processes for providing feedback to and educating prescribers using best practice educational materials and peer-to-peer consultation.

(III) Assess Medicaid beneficiaries who are outliers in their use of behavioral health drugs with regard to the numbers and types of drugs taken, drug dosages, combination drug therapies, and other indicators of improper use of behavioral health drugs.

(IV) Alert prescribers to patients who fail to refill prescriptions in a timely fashion, are prescribed multiple same-class behavioral health drugs, and may have other potential medication problems.

(V) Track spending trends for behavioral health drugs and deviation from best practice guidelines.

(VI) Use educational and technological approaches to promote best practices, educate consumers, and train prescribers in the use of practice guidelines.

(VII) Disseminate electronic and published materials.

(VIII) Hold statewide and regional conferences.

(IX) Implement a disease management program with a model quality-based medication component for severely mentally ill individuals and emotionally disturbed children who are high users of care.

c. If the agency is unable to negotiate a contract with one or more manufacturers to finance and guarantee savings associated with a behavioral drug management program by September 1, 2004, the four-brand drug limit and preferred drug list prior-authorization requirements shall apply to mental health-related drugs, notwithstanding any provision in subparagraph 1. The agency is authorized to seek federal waivers to implement this policy.

12. The agency is authorized to contract for drug rebate administration, including, but not limited to, calculating rebate amounts, invoicing manufacturers, negotiating disputes with manufacturers, and maintaining a database of rebate collections.

13. The agency may specify the preferred daily dosing form or strength for the purpose of promoting best practices with regard to the prescribing of certain drugs as specified in the General Appropriations Act and ensuring cost-effective prescribing practices.

14. The agency may require prior authorization for the off-label use of Medicaid-covered prescribed drugs as specified in the General Appropriations Act. The agency may, but is not required to, preauthorize the use of a product for an indication not in the approved labeling. Prior authorization may require the prescribing professional to provide information about the rationale and supporting medical evidence for the off-label use of a drug.

15. The agency shall implement a return and reuse program for drugs dispensed by pharmacies to institutional recipients, which includes payment of a \$5 restocking fee for the implementation and operation of the program. The return and reuse program shall be implemented electronically and in a manner that promotes efficiency. The program must permit a pharmacy to exclude drugs from the program if it is not practical or cost-effective for the drug to be included and must provide for the return to inventory of drugs that cannot be credited or returned in a cost-effective manner.

*(50) The agency may implement a program of all-inclusive care for children to reduce the need for hospitalization of children, as appropriate. The purpose of the program is to provide in-home hospice-like support services to children diagnosed with a life-threatening illness who are enrolled in the Children's Medical Services Network. The agency, in consultation with the Department of Health, may implement the program of all-inclusive care for children after obtaining approval from the Centers for Medicare and Medicaid Services.*

*(51) By July 1, 2005, the agency shall develop a plan for implementing the delivery of comprehensive vision care services to Medicaid recipients through a capitated prepaid arrangement. The plan shall include contracting with a private entity or entities to provide for the comprehensive vision care services through a capitated prepaid arrangement. However, the entity must:*

*(a) Be licensed under chapter 627.*

*(b) Have sufficient financial resources.*

*(c) Have a contracted provider network that has statewide coverage.*

*(d) Have experience in providing medical and surgical vision care services.*

*(e) Have experience with the implementation of large statewide contracts. As used in this section, the term "vision care services" means covered vision services, including routine, medical, and surgical vision care services that are available to Medicaid recipients. If necessary, the agency shall seek federal approval to contract with a single entity meeting these requirements to provide vision care services to all Medicaid recipients. The entity must offer sufficient choice of providers within its network to ensure access to care for the recipient and the opportunity to select a provider with whom the recipient is satisfied.*

Section 9. Paragraph (k) of subsection (2) of section 409.9122, Florida Statutes, is amended to read:

409.9122 Mandatory Medicaid managed care enrollment; programs and procedures.—

(2)

(k) When a Medicaid recipient does not choose a managed care plan or MediPass provider, the agency shall assign the Medicaid recipient to a managed care plan, except in those counties in which there are fewer than two managed care plans accepting Medicaid enrollees, in which case assignment shall be to a managed care plan or a MediPass provider. Medicaid recipients in counties with fewer than two managed care plans accepting Medicaid enrollees who are subject to mandatory assignment but who fail to make a choice shall be assigned to managed care plans until an enrollment of 40 percent in MediPass and 60 percent in managed care plans is achieved. Once that enrollment is achieved, the assignments shall be divided in order to maintain an enrollment in MediPass and managed care plans which is in a 40 percent and 60 percent proportion, respectively. ~~In geographic areas where the agency is contracting for the provision of comprehensive behavioral health services through a capitated prepaid arrangement, recipients who fail to make a choice shall be assigned equally to MediPass or a managed care plan.~~ For purposes of this paragraph, when referring to assignment, the term "managed care plans" includes exclusive provider organizations, provider service networks, Children's Medical Services Network, minority physician networks, and pediatric emergency department diversion programs authorized by this chapter or the General Appropriations Act. When making assignments, the agency shall take into account the following criteria:

1. A managed care plan has sufficient network capacity to meet the need of members.

2. The managed care plan or MediPass has previously enrolled the recipient as a member, or one of the managed care plan's primary care providers or MediPass providers has previously provided health care to the recipient.

3. The agency has knowledge that the member has previously expressed a preference for a particular managed care plan or MediPass provider as indicated by Medicaid fee-for-service claims data, but has failed to make a choice.

4. The managed care plan's or MediPass primary care providers are geographically accessible to the recipient's residence.

5. The agency has authority to make mandatory assignments based on quality of service and performance of managed care plans.

Section 10. Subsections (6) and (7) are added to section 409.9124, Florida Statutes, to read:

409.9124 Managed care reimbursement.—

*(6) The agency shall develop rates for children age 0-3 months and separate rates for children age 4-12 months. The agency shall amend the payment methodology for participating Medicaid-managed health care plans to comply with this subsection.*

*(7) The agency shall not pay rates at per-member per-month averages higher than that allowed for in the General Appropriations Act.*

Section 11. Except as otherwise provided herein, this act shall take effect July 1, 2005.

And the title is amended as follows:

Remove the entire title and insert:

A bill to be entitled An act relating to health care; amending s. 400.23, F.S.; delaying a nursing home staffing increase; amending s. 409.814, F.S.; granting more children access to the Florida KidCare program; amending s. 409.903, F.S.; deleting a provision eliminating eligibility for Medicaid services for certain women; amending s. 409.904, F.S.; providing for the Agency for Health Care Administration to pay for medical assistance for certain Medicaid-eligible persons; deleting a limitation on eligibility for coverage under the medically needy program; amending s.

409.906, F.S.; deleting a repeal of a provision that provides adult denture services; repealing s. 409.9065, F.S., relating to pharmaceutical expense assistance; amending s. 409.908, F.S.; revising provisions relating to the long-term care reimbursement and cost reporting system; revising provisions relating to the Medicaid maximum allowable fee for certain pharmacies; amending s. 409.912, F.S.; revising components of the Medicaid prescribed-drug spending-control program; authorizing the agency to implement a program of all-inclusive care for certain children; authorizing the agency to adopt rules; requiring a plan for comprehensive vision care services; amending s. 409.9122, F.S.; deleting assignment requirement for recipients in areas with capitated behavioral health services; amending s. 409.9124, F.S.; requiring the agency to develop managed care rates for children of specified ages and to amend the methodology for reimbursing managed care plans to comply therewith; limiting the amount of reimbursement; providing effective dates.

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

The action of the Senate was certified to the House.

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 408, with amendment(s), and requests the concurrence of the Senate or, failing to concur, requests the Senate to appoint a committee of conference to meet with a like committee appointed by the Speaker to resolve differences between the houses.

John B. Phelps, Clerk

**CS for SB 408**—A bill to be entitled An act relating to the Department of Children and Family Services; amending s. 414.065, F.S.; revising the penalties imposed by the department against a participant who is receiving temporary cash assistance and who fails to comply with work requirements; eliminating provisions allowing the continuation of temporary cash assistance for children; amending s. 414.095, F.S.; revising certain requirements for determining eligibility for temporary cash assistance in order to conform to federal requirements; eliminating certain eligibility options for stepparents; amending s. 414.105, F.S.; providing for a lifetime cumulative period during which a person may receive temporary cash assistance; eliminating certain other time limitations; revising the membership requirements for regional workforce boards; repealing s. 414.32(2), F.S., relating to disqualification from the food stamp program for an arrearage in child support payments; amending ss. 409.2564 and 445.048, F.S.; conforming cross-references; repealing s. 114, ch. 2004-267, Laws of Florida, relating to authorization for the department to contract with private vendors for determining eligibility for the Economic Self-Sufficiency Services program; providing an effective date.

**House Amendment 1 (381627)(with title amendment)**—Remove everything after the enacting clause and insert:

Section 1. Subsection (12) of section 409.2564, Florida Statutes, is amended to read:

409.2564 Actions for support.—

(12) The Title IV-D agency shall review child support orders in IV-D cases at least every 3 years upon request by either party, or the agency in cases where there is an assignment of support to the state under s. 414.095(7)(8), and may seek adjustment of the order if appropriate under the guidelines established in s. 61.30. Not less than once every 3 years the IV-D agency shall provide notice to the parties subject to the order informing them of their right to request a review and, if appropriate, an adjustment of the child support order. Said notice requirement may be met by including appropriate language in the initial support order or any subsequent orders.

Section 2. Subsections (3) through (5) of section 414.065, Florida Statutes, are renumbered as subsections (2) through (4), respectively, and present subsections (1) and (2) of said section are amended to read:

414.065 Noncompliance with work requirements.—

(1) **PENALTIES FOR NONPARTICIPATION IN WORK REQUIREMENTS AND FAILURE TO COMPLY WITH ALTERNATIVE REQUIREMENT PLANS.**—~~The department shall establish procedures for administering penalties for nonparticipation in work requirements and failure to comply with the alternative requirement plan.~~ If an individual in a family receiving temporary cash assistance fails to engage in work activities required ~~under in accordance with s. 445.024 or under an alternative requirement plan as described in subsection (3), the department shall administer sanctions consistent with federal food stamp regulations as provided under 7 C.F.R. part 273, including the state option to disqualify the entire household when the head of the household is noncompliant following penalties shall apply.~~ Prior to the imposition of a sanction, the participant shall be notified orally or in writing that the participant is subject to sanction and that action will be taken to impose the sanction unless the participant complies with the work activity requirements ~~or the alternative requirement plan.~~ The participant shall be counseled as to the consequences of noncompliance and, if appropriate, shall be referred for services that could assist the participant to fully comply with program requirements. If the participant has good cause for noncompliance or demonstrates satisfactory compliance, the sanction shall not be imposed. If the participant has subsequently obtained employment, the participant shall be counseled regarding the transitional benefits that may be available and provided information about how to access such benefits. The department shall administer sanctions related to food stamps consistent with federal regulations.

~~(a)1. First noncompliance: temporary cash assistance shall be terminated for the family for a minimum of 10 days or until the individual who failed to comply does so.~~

~~2. Second noncompliance: temporary cash assistance shall be terminated for the family for 1 month or until the individual who failed to comply does so, whichever is later. Upon meeting this requirement, temporary cash assistance shall be reinstated to the date of compliance or the first day of the month following the penalty period, whichever is later.~~

~~3. Third noncompliance: temporary cash assistance shall be terminated for the family for 3 months or until the individual who failed to comply does so, whichever is later. The individual shall be required to comply with the required work activity upon completion of the 3-month penalty period, before reinstatement of temporary cash assistance. Upon meeting this requirement, temporary cash assistance shall be reinstated to the date of compliance or the first day of the month following the penalty period, whichever is later.~~

~~(b) If a participant receiving temporary cash assistance who is otherwise exempted from noncompliance penalties fails to comply with the alternative requirement plan required in accordance with this section, the penalties provided in paragraph (a) shall apply.~~

~~If a participant fully complies with work activity requirements for at least 6 months, the participant shall be reinstated as being in full compliance with program requirements for purpose of sanctions imposed under this section.~~

**(2) CONTINUATION OF TEMPORARY CASH ASSISTANCE FOR CHILDREN; PROTECTIVE PAYEES.**—

~~(a) Upon the second or third occurrence of noncompliance, temporary cash assistance and food stamps for the child or children in a family who are under age 16 may be continued. Any such payments must be made through a protective payee or, in the case of food stamps, through an authorized representative. Under no circumstances shall temporary cash assistance or food stamps be paid to an individual who has failed to comply with program requirements.~~

~~(b) Protective payees shall be designated by the department and may include:~~

~~1. A relative or other individual who is interested in or concerned with the welfare of the child or children and agrees in writing to utilize the assistance in the best interest of the child or children.~~

~~2. A member of the community affiliated with a religious, community, neighborhood, or charitable organization who agrees in writing to utilize the assistance in the best interest of the child or children.~~

~~3. A volunteer or member of an organization who agrees in writing to fulfill the role of protective payee and to utilize the assistance in the best interest of the child or children.~~

(c) The protective payee designated by the department shall be the authorized representative for purposes of receiving food stamps on behalf of a child or children under age 16. The authorized representative must agree in writing to use the food stamps in the best interest of the child or children.

(d) If it is in the best interest of the child or children, as determined by the department, for the staff member of a private agency, a public agency, the department, or any other appropriate organization to serve as a protective payee or authorized representative, such designation may be made, except that a protective payee or authorized representative must not be any individual involved in determining eligibility for temporary cash assistance or food stamps for the family, staff handling any fiscal processes related to issuance of temporary cash assistance or food stamps, or landlords, grocers, or vendors of goods, services, or items dealing directly with the participant.

(e) The department may pay incidental expenses or travel expenses for costs directly related to performance of the duties of a protective payee as necessary to implement the provisions of this subsection.

Section 3. Subsections (5) through (19) of section 414.095, Florida Statutes, are renumbered as subsections (4) through (18), respectively, and paragraph (a) of subsection (2), present subsection (4), paragraphs (c) and (e) of present subsection (15), and present subsection (17) of said section are amended to read:

414.095 Determining eligibility for temporary cash assistance.—

(2) ADDITIONAL ELIGIBILITY REQUIREMENTS.—

(a) To be eligible for services or temporary cash assistance and Medicaid:

1. An applicant must be a United States citizen, or a qualified noncitizen, as defined in this section.

2. An applicant must be a legal resident of the state.

3. Each member of a family must provide to the department the member's social security number or shall provide proof of application for a social security number. An individual who fails to provide to the department a social security number, or proof of application for a social security number, is not eligible to participate in the program.

4. A minor child must reside with a custodial parent or parents, or with a relative caretaker who is within the specified degree of blood relationship as defined by 45 C.F.R. part 233 under this chapter, or, if the minor is a teen parent with a child, in a setting approved by the department as provided in subsection (14).

5. Each family must have a minor child and meet the income and resource requirements of the program. All minor children who live in the family, as well as the parents of the minor children, shall be included in the eligibility determination unless specifically excluded.

(4) STEPPARENTS.—A family that contains a stepparent has the following special eligibility options if the family meets all other eligibility requirements:

(a) A family that does not contain a mutual minor child has the option to include or exclude a stepparent in determining eligibility if the stepparent's monthly gross income is less than 185 percent of the federal poverty level for a two-person family.

1. If the stepparent chooses to be excluded from the family, temporary cash assistance, without shelter expense, shall be provided for the child. The parent of the child must comply with work activity requirements as provided in s. 445.024. Income and resources from the stepparent may not be included in determining eligibility; however, any income and resources from the parent of the child shall be included in determining eligibility.

2. If a stepparent chooses to be included in the family, the department shall determine eligibility using the requirements for a nonstepparent family. A stepparent whose income is equal to or greater than 185 percent of the federal poverty level for a two-person family does not have the option to be excluded from the family, and all income and resources of the stepparent shall be included in determining the family's eligibility.

(b) A family that contains a mutual minor child does not have the option to exclude a stepparent from the family, and the income and resources from the stepparent shall be included in determining eligibility.

(c) A family that contains two stepparents, with or without a mutual minor child, does not have the option to exclude a stepparent from the family, and the income and resources from each stepparent must be included in determining eligibility.

(14)(15) PROHIBITIONS AND RESTRICTIONS.—

(c) The teen parent is not required to live with a parent, legal guardian, or other adult caretaker relative if the department determines that:

1. The teen parent has suffered or might suffer harm in the home of the parent, legal guardian, or adult caretaker relative.

2. The requirement is not in the best interest of the teen parent or the child. If the department determines that it is not in the best interest of the teen parent or child to reside with a parent, legal guardian, or other adult caretaker relative, the department shall provide or assist the teen parent in finding a suitable home, a second-chance home, a maternity home, or other appropriate adult-supervised supportive living arrangement. Such living arrangement may include a shelter obligation in accordance with subsection (10)(11).

The department may not delay providing temporary cash assistance to the teen parent through the alternative payee designated by the department pending a determination as to where the teen parent should live and sufficient time for the move itself. A teen parent determined to need placement that is unavailable shall continue to be eligible for temporary cash assistance so long as the teen parent cooperates with the department and the Department of Health. The teen parent shall be provided with counseling to make the transition from independence to supervised living and with a choice of living arrangements.

(e) If a parent or caretaker relative does not assign any rights a family member may have to support from any other person as required by subsection (7)(8), temporary cash assistance to the entire family shall be denied until the parent or caretaker relative assigns the rights to the department.

(16)(17) PROPORTIONAL REDUCTION.—If the Social Services Estimating Conference forecasts an increase in the temporary cash assistance caseload and there is insufficient funding, a proportional reduction as determined by the department shall be applied to the levels of temporary cash assistance in subsection (10)(11).

Section 4. Section 414.105, Florida Statutes, is amended to read:

414.105 Time limitations of temporary cash assistance.—*Except as* Unless otherwise expressly provided in this section chapter, an applicant or current participant shall receive temporary cash assistance for no episodes of not more than 24 cumulative months in any consecutive 60-month period that begins with the first month of participation and for not more than a lifetime cumulative total of 48 months as an adult, unless otherwise provided by law.

(1) The time limitation for episodes of temporary cash assistance may not exceed 36 cumulative months in any consecutive 72-month period that begins with the first month of participation and may not exceed a lifetime cumulative total of 48 months of temporary cash assistance as an adult, for cases in which the participant:

(a) Has received aid to families with dependent children or temporary cash assistance for any 36 months of the preceding 60 months; or

(b) Is a custodial parent under the age of 24 who:

1. Has not completed a high school education or its equivalent; or

2. Had little or no work experience in the preceding year.

(2) A participant who is not exempt from work activity requirements may earn 1 month of eligibility for extended temporary cash assistance, up to a maximum of 12 additional months, for each month in which the participant is fully complying with the work activities of the WAGES Program through subsidized or unsubsidized public or private sector employment. The period for which extended temporary cash assistance

is granted shall be based upon compliance with WAGES Program requirements beginning October 1, 1996.

~~(3) A WAGES participant who is not exempt from work activity requirements and who participates in a recommended mental health or substance abuse treatment program may earn 1 month of eligibility for extended temporary cash assistance, up to a maximum of 12 additional months, for each month in which the individual fully complies with the requirements of the treatment program. This treatment credit may be awarded only upon the successful completion of the treatment program and only once during the 48-month time limit.~~

~~(1)(4) A participant may not receive temporary cash assistance under this subsection, in combination with other periods of temporary cash assistance for longer than a lifetime limit of 48 months. Hardship exemptions to the time limitations provided in this section of this chapter shall be limited to 20 percent of the average monthly caseload, as determined by the department in cooperation with Workforce Florida, Inc. Criteria for hardship exemptions include:~~

~~(a) Diligent participation in activities, combined with inability to obtain employment.~~

~~(b) Diligent participation in activities, combined with extraordinary barriers to employment, including the conditions which may result in an exemption to work requirements.~~

~~(c) Significant barriers to employment, combined with a need for additional time.~~

~~(d) Diligent participation in activities and a need by teen parents for an exemption in order to have 24 months of eligibility beyond receipt of the high school diploma or equivalent.~~

~~(e) A recommendation of extension for a minor child of a participating family that has reached the end of the eligibility period for temporary cash assistance. The recommendation must be the result of a review which determines that the termination of the child's temporary cash assistance would be likely to result in the child being placed into emergency shelter or foster care. Temporary cash assistance shall be provided through a protective payee. Staff of the Child Care Services Program Office of the department shall conduct all assessments in each case in which it appears a child may require continuation of temporary cash assistance through a protective payee.~~

~~(2)(5) In addition to the exemptions listed in subsection (3), A victim of domestic violence may be granted a hardship exemption if the effects of such domestic violence delay or otherwise interrupt or adversely affect the individual's participation in the program.~~

~~(3)(6) The department, in cooperation with Workforce Florida, Inc., shall establish a procedure for approving hardship exemptions and for reviewing hardship cases at least once every 2 years. Regional workforce boards may assist in making these determinations. The composition of any review panel must generally reflect the racial, gender, and ethnic diversity of the community as a whole. Members of a review panel shall serve without compensation but are entitled to receive reimbursement for per diem and travel expenses as provided in s. 112.061.~~

~~(4)(7) For individuals who have moved from another state, the months in which temporary cash assistance was received under a block grant program that provided temporary assistance for needy families in any state shall count towards the cumulative 48-month benefit limit for temporary cash assistance.~~

~~(5)(8) For individuals subject to a time limitation under the Family Transition Act of 1993, that time limitation shall continue to apply. Months in which temporary cash assistance was received through the family transition program shall count towards the time limitations under this section chapter.~~

~~(6)(9) Except when temporary cash assistance was received through the family transition program, the calculation of the time limitation for temporary cash assistance shall begin with the first month of receipt of temporary cash assistance after the effective date of this act.~~

~~(7)(10) Child-only cases are not subject to time limitations, and temporary cash assistance received while an individual is a minor child shall not count towards time limitations.~~

~~(8)(11) An individual who receives benefits under the Supplemental Security Income (SSI) program or the Social Security Disability Insurance (SSDI) program is not subject to time limitations. An individual who has applied for supplemental security income (SSI) or supplemental security disability income (SSDI), but has not yet received a determination must be granted an extension of time limits until the individual receives a final determination on the SSI or SSDI application. Determination shall be considered final once all appeals have been exhausted, benefits have been received, or denial has been accepted without any appeal. While awaiting a final determination, the such individual must continue to meet all program requirements assigned to the participant based on medical ability to comply. If a final determination results in the denial of benefits for supplemental security income (SSI) or supplemental security disability income (SSDI), any period during which the recipient received assistance under this section chapter shall be counted in count against the recipient's 48-month lifetime limit.~~

~~(9)(12) A person who is totally responsible for the personal care of a disabled family member is not subject to time limitations if the need for the care is verified and alternative care is not available for the family member. The department shall annually evaluate an individual's qualifications for this exemption.~~

~~(10)(13) A member of the staff of the regional workforce board shall interview and assess the employment prospects and barriers of each participant who is within 6 months of reaching the 48-month 24-month time limit. The staff member shall assist the participant in identifying actions necessary to become employed prior to reaching the benefit time limit for temporary cash assistance and, if appropriate, shall refer the participant for services that could facilitate employment.~~

Section 5. Subsections (3) through (5) of section 414.32, Florida Statutes, are renumbered as subsections (2) through (4), respectively, and present subsection (2) of said section is amended to read:

414.32 Prohibitions and restrictions with respect to food stamps.—

~~(2) DISQUALIFICATION FOR CHILD SUPPORT ARREARS.—An individual is ineligible to participate in the food stamp program as a member of a food stamp assistance group during any month in which the individual is delinquent in any payment due under a court order for the support of a child. This subsection does not apply if the court is allowing the individual to delay payment for the support of a child or if the individual is complying with a payment plan approved by the court or the state agency that administers the child support enforcement program.~~

Section 6. Subsection (3) of section 445.048, Florida Statutes, as amended by chapter 2004-269, Laws of Florida, is amended to read:

445.048 Passport to Economic Progress demonstration program.—

~~(3) INCOME DISREGARD.—In order to provide an additional incentive for employment, and notwithstanding the amount specified in s. 414.095(11)(12), for individuals residing in the areas designated for this demonstration program, the first \$300 plus one-half of the remainder of earned income shall be disregarded in determining eligibility for temporary cash assistance. All other conditions and requirements of s. 414.095(11)(12) shall continue to apply to such individuals.~~

Section 7. Section 114 of chapter 2004-267, Laws of Florida, is repealed.

Section 8. This act shall take effect July 1, 2005.

And the title is amended as follows:

Remove the entire title and insert:

A bill to be entitled An act relating to economic eligibility services; amending s. 409.2564, F.S.; correcting a cross reference; amending s. 414.065, F.S.; aligning food stamp sanctions with federal penalties; deleting provisions relating to continuation of temporary cash assistance for children through protective payees; amending s. 414.095, F.S.; clarifying eligibility for temporary cash assistance for teen parents; deleting additional eligibility options relating to families containing a stepparent; correcting cross references; amending s. 414.105, F.S.; aligning time limitations for temporary cash assistance with federal requirements; deleting provisions relating to review panels; amending s. 414.32, F.S.;

deleting food stamp sanctions for persons who are delinquent on child support payments; amending s. 445.048, F.S.; correcting a cross reference; repealing s. 114 of ch. 2004-267, Laws of Florida, relating to the Economic Self-Sufficiency Services program eligibility determination functions; providing an effective date.

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

The action of the Senate was certified to the House.

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 410, with amendment(s), and requests the concurrence of the Senate or, failing to concur, requests the Senate to appoint a committee of conference to meet with a like committee appointed by the Speaker to resolve differences between the houses.

John B. Phelps, Clerk

**CS for SB 410**—A bill to be entitled An act relating to the Department of Health; amending s. 456.013, F.S.; eliminating a requirement that the department issue wall certificates; amending s. 456.017, F.S.; prohibiting the use of a state-developed examination if a national examination has been certified by the department; revising the criteria under which an applicant may challenge the validity of an examination; authorizing the department to post examination scores on the Internet in lieu of mailing the scores to each applicant; amending s. 456.036, F.S.; providing for a retired-status license; providing a fee for changing to retired status at the time of license renewal; requiring an additional fee if retired status is chosen at any time other than at the time of license renewal; authorizing each board or the department to reexamine a licensee who has been retired or inactive for a specified period in order to assess the licensee's competency; amending s. 464.201, F.S.; defining the phrase "practice of a certified nursing assistant"; amending s. 464.202, F.S.; requiring the Board of Nursing to adopt rules specifying the scope of practice and level of supervision required for certified nursing assistants; amending s. 464.203, F.S.; requiring the biennial renewal of certification as a nursing assistant; reducing the number of required hours of inservice training for certified nursing assistants; providing a fee for certification renewal; providing an effective date.

**House Amendment 1 (047605)(with title amendment)**—Remove everything after the enacting clause and insert:

Section 1. Subsection (2) of section 456.013, Florida Statutes, is amended to read:

456.013 Department; general licensing provisions.—

(2) Before the issuance of any license, the department shall charge an initial license fee as determined by the applicable board or, if there is no such board exists, by rule of the department. Upon receipt of the appropriate license fee, the department shall issue a license to any person certified by the appropriate board, or its designee, as having met the licensure requirements imposed by law or rule. The license shall consist of a wallet-size identification card and a wall card measuring 6 1/2 inches by 5 inches. In addition to the two-part license, the department, at the time of initial licensure, shall issue a wall certificate suitable for conspicuous display, which shall be no smaller than 8 1/2 inches by 14 inches. The licensee shall surrender to the department the wallet-size identification card and, the wall card, and the wall certificate, if one has been issued by the department, if the licensee's license was issued in error or is revoked.

Section 2. Paragraph (c) of subsection (1) and subsection (2) of section 456.017, Florida Statutes, are amended, and subsection (7) is added to said section, to read:

456.017 Examinations.—

(1)

(c)1. The board, or the department when there is no board, shall approve by rule the use of one or more national examinations which the

department has certified as meeting requirements of national examinations and generally accepted testing standards pursuant to department rules.

1. Providers of examinations seeking certification by the department shall pay the actual costs incurred by the department in making a determination regarding the certification. The name and number of a candidate may be provided to a national contractor for the limited purpose of preparing the grade tape and information to be returned to the board or department; or, to the extent otherwise specified by rule, the candidate may apply directly to the vendor of the national examination and supply test score information to the department. The department may delegate to the board the duty to provide and administer the examination. Any national examination approved by a board, or the department when there is no board, prior to October 1, 1997, is deemed certified under this paragraph.

2. ~~The board, or the department when there is no board, shall approve and begin administering a national examination no later than December 31, 2001.~~ Neither the board nor the department may administer a state-developed written examination if a national examination has been certified by the department after December 31, 2001, notwithstanding any other provision of law. The examination may be administered electronically if adequate security measures are used, as determined by rule of the department.

3. The board, or the department when there is no board, may administer a state-developed practical or clinical examination, as required by the applicable practice act, if all costs of development, purchase, validation, administration, review, and defense are paid by the examination candidate prior to the administration of the examination. If a national practical or clinical examination is available and certified by the department pursuant to this section, the board, or the department when there is no board, may administer the national examination.

4. It is the intent of the Legislature to reduce the costs associated with state examinations and to encourage the use of national examinations whenever possible.

(2) For each examination developed by the department or a contracted vendor, the board, or the department when there is no board, shall adopt rules providing for reexamination of any applicants who failed an examination developed by the department or a contracted vendor. If both a written and a practical examination are given, an applicant shall be required to retake only the portion of the examination on which the applicant failed to achieve a passing grade, if the applicant successfully passes that portion within a reasonable time, as determined by rule of the board, or the department when there is no board, of passing the other portion. Except for national examinations approved and administered pursuant to this section, the department shall provide procedures for applicants who fail an examination developed by the department or a contracted vendor to review their examination questions, answers, papers, grades, and grading key for the questions the candidate answered incorrectly or, if not feasible, the parts of the examination failed. Applicants shall bear the actual cost for the department to provide examination review pursuant to this subsection. An applicant may waive in writing the confidentiality of the applicant's examination grades. Notwithstanding any other provisions, only candidates who fail an examination with a score that is by less than 10 percent below the minimum score required to pass the examination shall be entitled to challenge the validity of the examination at hearing.

(7) The department may post examination scores electronically on the Internet in lieu of mailing the scores to each applicant. Such electronic posting of the examination scores meets the requirements of chapter 120 if the department also posts with the examination scores a notification of rights as set forth in chapter 120. The date of receipt for purposes of chapter 120 shall be the date the examination scores are posted electronically. The department shall also notify the examinee when scores are posted electronically of the availability of a postexamination review, if applicable.

Section 3. Subsections (5) through (11) of section 456.025, Florida Statutes, are renumbered as subsections (4) through (10), respectively, and present subsection (4) of said section is amended to read:

456.025 Fees; receipts; disposition.—

(4) Each board, or the department if there is no board, may charge a fee not to exceed \$25, as determined by rule, for the issuance of a wall certificate pursuant to s. 456.013(2) requested by a licensee who was licensed prior to July 1, 1998, or for the issuance of a duplicate wall certificate requested by any licensee.

Section 4. Subsections (1), (2), and (4) of section 456.036, Florida Statutes, are amended, subsections (10), (12), and (13) are renumbered as subsections (11), (14), and (15), respectively, present subsection (11) is renumbered as subsection (13) and amended, and new subsections (10) and (12) are added to said section, to read:

456.036 Licenses; active, and inactive, and retired status; delinquency.—

(1) A licensee may practice a profession only if the licensee has an active status license. A licensee who practices a profession *with an inactive status, retired status, or delinquent* without an active status license is in violation of this section and s. 456.072, and the board, or the department if there is no board, may impose discipline on the licensee.

(2) Each board, or the department if there is no board, shall permit a licensee to choose, at the time of licensure renewal, an active, or inactive, or retired status.

(4) Notwithstanding any other provision of law to the contrary, a licensee may change licensure status at any time.

(a) Active status licensees choosing inactive status at the time of license renewal must pay the inactive status renewal fee, and, if applicable, the delinquency fee and the fee to change licensure status. Active status licensees choosing inactive status at any other time than at the time of license renewal must pay the fee to change licensure status.

(b) *Active status or inactive status licensees choosing retired status at the time of license renewal must pay the retired status fee, not to exceed \$50, as established by rule of the board, or the department if there is no board. Active status or inactive status licensees choosing retired status at any other time than at the time of license renewal must pay the retired status fee plus the fee to change licensure status.*

(c)(b) An inactive status licensee may change to active status at any time, if the licensee meets all requirements for active status. Inactive status licensees choosing active status at the time of license renewal must pay the active status renewal fee, any applicable reactivation fees as set by the board, or the department if there is no board, and, if applicable, the delinquency fee and the fee to change licensure status. Inactive status licensees choosing active status at any other time than at the time of license renewal must pay the difference between the inactive status renewal fee and the active status renewal fee, if any exists, any applicable reactivation fees as set by the board, or the department if there is no board, and the fee to change licensure status.

(10) *Each board, or the department if there is no board, may by rule impose reasonable conditions, including full reexamination to assess current competency, necessary to ensure that a licensee who has been on retired status for more than 5 years or a licensee from another state who has not been in active practice within the past 5 years and who applies for active status is able to practice with the care and skill sufficient to protect the health, safety, and welfare of the public. Reactivation requirements may differ depending on the length of time licensees are retired.*

(12) *Before reactivation, a retired status licensee must meet the same continuing education requirements, if any, and pay any renewal fees imposed on active status licensees for all biennial licensure periods in which the licensee was in retired status.*

(13)(11) The status or a change in status of a licensee does not alter in any way the right of the board, or of the department if there is no board, to impose discipline or to enforce discipline previously imposed on a licensee for acts or omissions committed by the licensee while holding a license, whether active, inactive, *retired*, or delinquent.

Section 5. Subsection (5) of section 464.201, Florida Statutes, is renumbered as subsection (6), and a new subsection (5) is added to said section to read:

464.201 Definitions.—As used in this part, the term:

(5) *“Practice of a certified nursing assistant” means the provision of care and assistance with tasks relating to the activities of daily living. Such tasks are those associated with personal care, maintaining mobility, nutrition and hydration, toileting and elimination, assistive devices, safety and cleanliness, data gathering, reporting abnormal signs and symptoms, postmortem care, patient socialization and reality orientation, end-of-life care, cardiopulmonary resuscitation and emergency care, residents’ or patients’ rights, documentation of nursing assistant services, and other tasks that a certified nursing assistant may perform after training beyond that required for initial certification and upon validation of competence in that skill by the registered nurse. This subsection does not restrict the ability of any person who is otherwise trained and educated from performing such tasks.*

Section 6. Section 464.202, Florida Statutes, is amended to read:

464.202 Duties and powers of the board.—The board shall maintain, or contract with or approve another entity to maintain, a state registry of certified nursing assistants. The registry must consist of the name of each certified nursing assistant in this state; other identifying information defined by board rule; certification status; the effective date of certification; other information required by state or federal law; information regarding any crime or any abuse, neglect, or exploitation as provided under chapter 435; and any disciplinary action taken against the certified nursing assistant. The registry shall be accessible to the public, the certificateholder, employers, and other state agencies. The board shall adopt by rule testing procedures for use in certifying nursing assistants and shall adopt rules regulating the practice of certified nursing assistants that specify the scope of practice authorized and the level of supervision required for the practice of certified nursing assistants to enforce this part. The board may contract with or approve another entity or organization to provide the examination services, including the development and administration of examinations. The board shall require that the contract provider offer certified nursing assistant applications via the Internet, and may require the contract provider to accept certified nursing assistant applications for processing via the Internet. The board shall require the contract provider to provide the preliminary results of the certified nursing examination on the date the test is administered. The provider shall pay all reasonable costs and expenses incurred by the board in evaluating the provider’s application and performance during the delivery of services, including examination services and procedures for maintaining the certified nursing assistant registry.

Section 7. Subsections (5) and (7) of section 464.203, Florida Statutes, are amended, and subsection (8) is added to said section, to read:

464.203 Certified nursing assistants; certification requirement.—

(5) Certification as a nursing assistant, in accordance with this part, *may be renewed* ~~continues in effect~~ until such time as the nursing assistant allows a period of 24 consecutive months to pass during which period the nursing assistant fails to perform any nursing-related services for monetary compensation. When a nursing assistant fails to perform any nursing-related services for monetary compensation for a period of 24 consecutive months, the nursing assistant must complete a new training and competency evaluation program or a new competency evaluation program.

(7) A certified nursing assistant shall complete ~~12~~ 18 hours of inservice training during each calendar year. The certified nursing assistant shall be responsible for maintaining documentation demonstrating compliance with these provisions. The Council on Certified Nursing Assistants, in accordance with s. 464.2085(2)(b), shall propose rules to implement this subsection.

(8) *The department shall renew a certificate upon receipt of the renewal application and receipt of a fee. The department shall adopt rules establishing a procedure for the biennial renewal of certificates and the imposition of a fee of not less than \$20 and not more than \$50 biennially. Any certificate not renewed by July 1, 2006, is void.*

Section 8. This act shall take effect July 1, 2005.

And the title is amended as follows:

Remove the entire title and insert:

A bill to be entitled An act relating to the regulation of health care professionals; amending s. 456.013, F.S.; deleting the requirement that

the Department of Health issue wall certificates; requiring licensees with licenses issued in error to surrender certain documents to the department; amending s. 456.017, F.S.; specifying that a state-developed test is not permitted if a national examination has been certified by the department; clarifying the limitation on who may challenge the validity of an examination; permitting the department to post examination scores on the Internet; amending s. 456.025, F.S.; deleting an obsolete provision; amending s. 456.036, F.S.; providing for a retired license status and providing a fee for such status; authorizing the department to reexamine certain licensees under certain circumstances; providing requirements for retired status licensees to reactivate their licenses; amending s. 464.201, F.S.; defining "practice of a certified nursing assistant"; amending s. 464.202, F.S.; requiring the Board of Nursing to adopt rules to specify the scope of practice for certified nursing assistants; amending s. 464.203, F.S.; providing for the renewal of nursing assistant certification; providing for a fee; reducing the hours of inservice training required of certified nursing assistants; requiring certification as a nursing assistant to be renewed and authorizing a fee for such renewal; requiring the department to adopt rules regarding such renewal; providing that certificates not renewed by a specified date are void; providing an effective date.

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

The action of the Senate was certified to the House.

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The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 424, with amendment(s), and requests the concurrence of the Senate or, failing to concur, requests the Senate to appoint a committee of conference to meet with a like committee appointed by the Speaker to resolve differences between the houses.

*John B. Phelps, Clerk*

**CS for SB 424**—A bill to be entitled An act relating to employee benefits; providing for the resolution of certain collective bargaining issues at impasse between the State of Florida and certified bargaining units of state employees; providing an effective date.

**House Amendment 1 (636363)(with title amendment)**—Remove everything after the enacting clause and insert:

Section 1. *All economic collective bargaining issues at impasse for the 2005-2006 fiscal year between the State of Florida and the legal representatives of the certified bargaining units for state employees shall be resolved pursuant to the instructions provided in Senate Bill 2600, 2005 Regular Session, and the relevant provisions of any legislation enacted to implement Senate Bill 2600.*

Section 2. *All noneconomic collective bargaining issues at impasse for the 2005-2006 fiscal year between the State of Florida and the legal representatives of the certified bargaining units for state employees shall be resolved consistent with the personnel rules in effect on March 8, 2005, and the relevant provisions of any legislation modifying the terms and conditions of state employment.*

Section 3. This act shall take effect January 1, 2006.

And the title is amended as follows:

Remove the entire title and insert:

A bill to be entitled An act relating to employee benefits; providing for the resolution of certain collective bargaining issues at impasse between the State of Florida and certified bargaining units of state employees; providing an effective date.

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

The action of the Senate was certified to the House.

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The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 2584, with amendment(s), and requests the concurrence of the Senate or, failing to concur, requests the Senate to appoint a committee of conference to meet with a like committee appointed by the Speaker to resolve differences between the houses.

*John B. Phelps, Clerk*

**CS for SB 2584**—A bill to be entitled An act relating to higher education; amending s. 1011.94, F.S.; authorizing the deposit of funds appropriated by the Legislature into the Trust Fund for University Major Gifts; providing an effective date.

**House Amendment 1 (411821)(with title amendment)**—Remove everything after the enacting clause

And the title is amended as follows:

Remove the entire title

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

The action of the Senate was certified to the House.

## SPECIAL ORDER CALENDAR

On motion by Senator Carlton—

**CS for SB 660**—A bill to be entitled An act relating to assets held in benefit plans; amending s. 222.21, F.S.; exempting certain tax-exempt funds or accounts from legal process in favor of creditors; amending s. 222.22, F.S.; exempting from legal process in favor of creditors or other claimants assets held in qualified tuition programs, in certain health savings accounts and medical savings accounts, in Coverdell education savings accounts, or in hurricane savings accounts; defining the term "hurricane savings account"; amending s. 710.102, F.S.; redefining the term "benefit plan," and defining the term "qualified minor's trust," as used in the Florida Uniform Transfers to Minors Act; amending s. 710.104, F.S.; including benefit plans in the types of property that a custodian may be named to receive on behalf of a minor; amending s. 710.108, F.S.; allowing a benefit plan to be transferred to a custodian of a minor who does not have a conservator by an obligor of the minor; amending s. 710.116, F.S.; allowing a minor's custodian, without court order, to transfer custodial property to a qualified minor's trust; providing implications of the transfer; amending s. 733.808, F.S.; providing for the disposition of benefits under a benefit plan after the death of an owner of or participant in the plan; amending s. 744.301, F.S.; providing for the parents or natural guardians of a minor child to collect, receive, manage, and dispose of and make elections regarding the proceeds of an annuity contract payable to a minor child or of a benefit plan of which the minor is a beneficiary, participant, or owner, without appointment, authority, or bond, if the proceeds equal less than a specified maximum amount; providing an effective date.

—was read the second time by title.

Senator Carlton moved the following amendments which were adopted:

**Amendment 1 (623548)**—On page 4, lines 24-27, delete those lines and insert: *402(c) of the Internal Revenue Code of 1986.*

**Amendment 2 (634484)(with title amendment)**—On page 6, line 29 through page 8, line 4, delete those lines and insert:

*(4)(a) Moneys paid into or out of the assets of and the income of any hurricane savings account established by an insurance policyholder for residential property in this state equal to twice the deductible sum of such insurance to cover an insurance deductible or other uninsured portion of the risks of loss from a hurricane, rising flood waters, or other catastrophic windstorm event are not liable to attachment, levy, garnishment, or legal process in this state in favor of any creditor of or claimant against any account participant, purchaser, owner or contributor, or account beneficiary.*

(b) As used in this subsection, the term "hurricane savings account" means an account established by the owner of residential real estate in this state, which meets the requirements of homestead exemption under s. 4, Art. X of the State Constitution, who specifies that the purpose of the account is to cover the amount of insurance deductibles and other uninsured portions of risks of loss from hurricanes, rising flood waters, or other catastrophic windstorm events.

(c) This subsection shall take effect only when the federal government provides tax-exempt or tax-deferred status to a hurricane savings account, disaster savings account, or other similar account created to cover an insurance deductible or other uninsured portion of the risks of loss from a hurricane, rising flood waters, or other catastrophic windstorm event.

And the title is amended as follows:

On page 2, line 9, after "providing" insert: a conditional effective date and

Pursuant to Rule 4.19, **CS for SB 660** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Constantine—

**CS for CS for SB 1322**—A bill to be entitled An act relating to the Public Service Commission; creating the Committee on Public Service Commission Oversight as a standing joint committee of the Legislature; providing for its membership, powers, and duties; amending s. 350.001, F.S.; requiring that the commission perform its duties independently; specifying that the Governor has no planning or budgetary authority with respect to the commission; specifying that the Governor and the Department of Management Services have no authority over the commission's employees; amending s. 350.031, F.S.; authorizing the Florida Public Service Commission Nominating Council to make expenditures to advertise a vacancy on the council or the commission; requiring that the Committee on Public Service Commission Oversight provide a nominee for recommendation to the Governor for appointment to the Public Service Commission; providing procedures; amending s. 350.041, F.S.; clarifying the prohibition against accepting gifts with respect to its application to commissioners attending conferences; requiring that a penalty be imposed against a person who gives a commissioner a prohibited gift; requiring that commissioners avoid impropriety and act in a manner that promotes confidence in the commission; amending s. 350.042, F.S.; requiring that a penalty be imposed against a person involved in a prohibited ex parte communication with a commissioner; amending s. 350.061, F.S.; requiring that the Committee on Public Service Commission Oversight rather than the Joint Legislative Auditing Committee appoint the Public Counsel; providing for biennial reconfirmation rather than annual; requiring that the Public Counsel perform his or her duties independently; amending s. 350.0614, F.S.; requiring that the Committee on Public Service Commission Oversight rather than the Joint Legislative Auditing Committee oversee expenditures of the Public Counsel; amending s. 120.80, F.S.; requiring that the commission refer certain matters affecting the substantial interest of a utility to the Division of Administrative Hearings so that an administrative judge may be assigned to conduct a hearing and enter a recommended order; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 1322** was placed on the calendar of Bills on Third Reading.

On motion by Senator Alexander, by two-thirds vote **HB 155** was withdrawn from the Committees on Environmental Preservation; Agriculture; and General Government Appropriations.

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

**HB 155**—A bill to be entitled An act relating to the Lake Okeechobee Protection Program; amending s. 373.4595, F.S.; providing legislative findings with respect to implementation and funding of the Lake Okeechobee Watershed Phosphorus Control Program and the Lake Okeechobee Protection Program; revising a definition; providing that the Department of Agriculture and Consumer Services, the Department of Envi-

ronmental Protection, and the South Florida Water Management District be jointly responsible for implementing the Lake Okeechobee Protection Plan; requiring that annual funding priorities be jointly established; providing criteria for determining funding priorities; repealing obsolete provisions; providing an effective date.

—a companion measure, was substituted for **CS for SB 502** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 155** was placed on the calendar of Bills on Third Reading.

On motion by Senator Atwater, by two-thirds vote **HB 349** was withdrawn from the Committees on Community Affairs; Regulated Industries; Governmental Oversight and Productivity; and General Government Appropriations.

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

**HB 349**—A bill to be entitled An act relating to auditor selection procedures; amending s. 218.391, F.S.; revising the auditor selection procedures that local governmental entities, district school boards, charter schools, and charter technical career centers must use in selecting auditors to conduct certain required financial audits; revising provisions relating to membership, purposes, and duties of audit committees required to be established to aid in such selection; providing for requests for proposals; providing review and ranking requirements; requiring written contracts and providing requirements therefor, including renewal requirements; providing an effective date.

—a companion measure, was substituted for **CS for SB 1072** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 349** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bennett—

**CS for SB 1194**—A bill to be entitled An act relating to homestead assessments; providing an exception to requirements to assess certain homestead property at just value under certain circumstances; providing limitations; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1194** was placed on the calendar of Bills on Third Reading.

On motion by Senator Peaden—

**CS for SB 938**—A bill to be entitled An act relating to adverse medical incidents; creating s. 381.028, F.S.; providing a short title; providing a purpose; defining terms; specifying patients' right of access to records relating to an adverse medical incident; prohibiting the disclosure of the identity of certain patients; providing for maintaining privacy restrictions imposed by federal law; providing for the applicability of s. 25, Art. X of the State Constitution; providing for applicability of this section; providing restrictions upon the use of the records; providing for the identification and production of the records; providing for fees charged for copies of records; providing an effective date.

—was read the second time by title.

The Committee on Judiciary recommended the following amendments which were moved by Senator Posey and failed:

**Amendment 1 (603030)**—On page 2, between lines 24 and 25, insert:

(c) "Adverse medical incident records" mean records of the following:

1. A health care provider's competence, qualifications, and experience, including but not limited to, substance abuse, allegations or findings of misconduct, or the performance of a procedure or treatment on the wrong part of a patient or on the wrong patient;

2. *A health care facility's infection experiences;*
3. *Adverse incidents caused by medication, radiology, pathology, or anesthesia;*
4. *Level of patient supervision and assistance; and*
5. *Reports of adverse incidents that are required to be made by law.*

*Adverse medical incident records do not include non-final versions of reports of adverse incidents required by law, notes on which the report is based, or attorney-client privileged communications, or documents privileged under the work-product doctrine.*

(Renumber subsequent paragraphs.)

**Amendment 2 (170094)(with title amendment)**—On page 3, lines 24-31, delete those lines and insert: (re-designate subsequent paragraphs)

**Amendment 3 (762694)**—On page 5, delete line 31 and insert: *requesting access. A patient is also granted access to records relating to a health care facility's infection experiences; adverse medical incidents caused by medication, radiology, pathology, or anesthesia; and level of patient supervision and assistance.*

**Amendment 4 (664126)(with title amendment)**—On page 6, lines 1-9, delete those lines and redesignate subsequent paragraphs

And the title is amended as follows:

On page 1, lines 14 and 15, delete those lines and insert: providing for fees charged for

Pursuant to Rule 4.19, **CS for SB 938** was placed on the calendar of Bills on Third Reading.

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On motion by Senator Argenziano—

**CS for SB 1144**—A bill to be entitled An act relating to public records and public meetings; amending s. 119.01, F.S.; clarifying general state policy on public records; amending s. 119.07, F.S.; conforming cross-references; making editorial and conforming changes; transferring exemptions from public-records requirements under that section to indicated sections of Florida Statutes; amending s. 119.071, F.S.; transferring exemptions from public-records requirements under s. 119.07(6), F.S., to that section and reorganizing the exemptions under the classifications of "Agency Administration," "Agency Investigations," "Security," "Agency Personnel Information," and "Other Personal Information"; making editorial and conforming changes; transferring and amending s. 119.0721, F.S.; transferring exemptions provided for social security numbers to s. 119.071, F.S.; making editorial and conforming changes; deleting obsolete provisions; creating s. 119.0711, F.S.; transferring exemptions under s. 119.07(6), F.S., to that section and reorganizing the exemptions under the classification of "Executive Branch Agency Exemptions from Inspection and Copying of Public Records"; making editorial and conforming changes; creating s. 119.0712, F.S.; transferring exemptions under s. 119.07(6), F.S., to that section and reorganizing the exemptions under the classification of "Executive Branch Agency-Specific Exemptions from Inspection and Copying of Public Records"; making editorial and conforming changes; creating s. 119.0713, F.S.; transferring exemptions under s. 119.07(6), F.S., to that section and reorganizing the exemptions under the classification of "Local Government Branch Agency Exemptions from Inspection and Copying of Public Records"; making editorial and conforming changes; amending s. 119.15, F.S.; revising standards and guidelines for the review and repeal of exemptions from public-records and public-meetings requirements pursuant to the Open Government Sunset Review Act; making editorial and conforming changes; creating s. 112.31891, F.S.; transferring exemptions under s. 119.07(6), F.S., to that section and reorganizing the exemptions under the classification of "Investigatory Records"; making editorial and conforming changes; creating s. 27.7081, F.S.; transferring provisions relating to capital postconviction public records production under s. 119.19, F.S., to that section; amending ss. 27.708, 101.5607, 112.533, 119.011, 286.0113, 287.0943, 320.05, 322.20, 338.223, 401.27, 409.2577, 633.527, 794.024, and 1007.35, F.S.; conforming cross-references; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1144** was placed on the calendar of Bills on Third Reading.

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On motion by Senator Campbell—

**CS for SB 646**—A bill to be entitled An act relating to youthful offenders; amending ss. 958.045 and 958.11, F.S.; revising sentencing provisions for juvenile offenders who violate the terms of their probation; revising references to obsolete offices within the Department of Corrections relating to youthful offenders; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 646** was placed on the calendar of Bills on Third Reading.

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On motion by Senator Jones—

**SB 1172**—A bill to be entitled An act relating to the Florida Birth-Related Neurological Injury Compensation Plan; amending s. 766.309, F.S.; authorizing an administrative law judge to determine if the notice requirements have been satisfied when a claim is made under the Florida Birth-Related Neurological Injury Compensation Plan; providing legislative intent with respect to a provision clarifying the jurisdiction of an administrative law judge; amending s. 766.315, F.S.; authorizing the State Board of Administration to invest funds held on behalf of the Florida Birth-Related Neurological Injury Compensation Plan; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1172** was placed on the calendar of Bills on Third Reading.

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On motion by Senator Peadar—

**CS for SB 940**—A bill to be entitled An act relating to repeated medical malpractice; amending s. 456.041, F.S.; requiring the Department of Health to verify information submitted by a person who applies for initial licensure, or renewal of licensure, as a physician; creating s. 456.50, F.S.; defining terms; prescribing acts that constitute repeated medical malpractice; providing for review of acts and determination by the Board of Medicine and the Board of Osteopathic Medicine; authorizing the Board of Medicine and the Board of Osteopathic Medicine to require licensees and applicants for licensure to provide a copy of the record of the trial of any medical malpractice judgment involving an incident occurring on or after a specified date; extending the 90-day requirement for granting or denying a complete allopathic or osteopathic licensure application to 180 days; amending s. 458.331, F.S.; redefining acts of medical malpractice, gross medical malpractice, or repeated medical malpractice which constitute grounds for disciplinary action against a physician; amending s. 459.015, F.S.; redefining acts of medical malpractice, gross medical malpractice, or repeated medical malpractice which constitute grounds for disciplinary action against an osteopathic physician; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 940** was placed on the calendar of Bills on Third Reading.

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On motion by Senator Hill—

**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.

—was read the second time by title.

## MOTION

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

Senator Hill moved the following amendment which was adopted:

**Amendment 1 (074468)(with title amendment)**—On page 1, delete line 13 and insert: *state emergency. If November 11 falls on a Saturday or Sunday, a school holiday shall be observed on a weekday immediately following or preceding that weekend so as to correspond with the date that Veterans' Day is observed as a federal holiday.*

And the title is amended as follows:

On page 1, line 5, after the semicolon (;) insert: requiring the date of the Veterans' Day observance to correspond with the federal holiday;

Pursuant to Rule 4.19, **CS for SB 612** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano—

**CS for SB 1662**—A bill to be entitled An act relating to insurance; amending s. 626.901, F.S.; revising an exception from the prohibition against representing or aiding unauthorized insurers; providing for immediate cease-and-desist orders for violations of the prohibition; providing legislative findings; authorizing investigations of activities that may constitute violations of the prohibition; amending s. 626.902, F.S.; providing an exception from penalty provisions for a person who cooperates with the office to administer the Unauthorized Insurers Process Law; amending s. 626.908, F.S.; providing conditions on defenses of certain actions against unauthorized insurers and persons representing or aiding them; prescribing a time limit on motions to quash or set aside service of process in actions against such unauthorized insurers and other persons; providing an effective date.

—was read the second time by title.

Senator Fasano moved the following amendment which was adopted:

**Amendment 1 (155416)**—On page 2, lines 12 and 13, delete “*and without advance notice or hearing*”

Pursuant to Rule 4.19, **CS for SB 1662** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1508** was deferred.

**CS for SB 1034**—A bill to be entitled An act relating to extracurricular student activities; amending s. 1006.15, F.S.; providing that eligibility requirements for participation shall apply to all extracurricular activities rather than to interscholastic activities only; providing that a student shall not be precluded from participation in certain activities; providing certain restrictions with respect to participation; authorizing district school boards to establish a waiver process; requiring the State Board of Education to approve school district waiver processes; amending ss. 1002.33 and 1002.41, F.S.; conforming provisions; requiring the Department of Education to annually report data relating to student participation in extracurricular activities; providing an effective date.

—was read the second time by title.

## MOTION

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

Senator Wilson moved the following amendment:

**Amendment 1 (810942)**—On page 2, line 15, after “*or perform*” insert: *, unless the student is participating in an approved tutoring program*

On motion by Senator Baker, further consideration of **CS for SB 1034** with pending **Amendment 1 (810942)** was deferred.

On motion by Senator Bennett—

**CS for SB 494**—A bill to be entitled An act relating to renewable energy; creating s. 366.91, F.S.; providing legislative findings; providing definitions; requiring public utilities, municipal utilities, and rural electric cooperatives to offer a purchase contract to producers of renewable energy; providing requirements for such contracts; requiring that a producer pay the costs for interconnection; amending s. 366.11, F.S.; specifying that requirements for the purchase of renewable energy apply to municipal utilities; amending s. 403.7061, F.S.; revising a permit requirement for a waste-to-energy facility; encouraging specified applicants for a landfill permit to consider construction of a waste-to-energy facility; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 494** to **HB 77**.

Pending further consideration of **CS for SB 494** as amended, on motion by Senator Bennett, by two-thirds vote **HB 77** was withdrawn from the Committees on Environmental Preservation; and Community Affairs.

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

**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.

—a companion measure, was substituted for **CS for SB 494** as amended and read the second time by title.

Senator Bennett moved the following amendment which was adopted:

**Amendment 1 (734522)(with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Section 366.91, Florida Statutes, is created to read:

366.91 *Renewable energy.*—

(1) *The Legislature finds that it is in the public interest to promote the development of renewable energy resources in this state. Renewable energy resources have the potential to help diversify fuel types to meet Florida's growing dependency on natural gas for electric production, minimize the volatility of fuel costs, encourage investment within the state, improve environmental conditions, and make Florida a leader in new and innovative technologies.*

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

(a) *“Biomass” means a power source that is comprised of, but not limited to, combustible residues or gases from forest-products manufacturing, agricultural and orchard crops, waste products from livestock and poultry operations and food processing, urban wood waste, municipal solid waste, municipal liquid waste treatment operations, and landfill gas.*

(b) *“Renewable energy” means electrical energy produced from a method that uses one or more of the following fuels or energy sources: hydrogen produced from sources other than fossil fuels, biomass, solar energy, geothermal energy, wind energy, ocean energy, and hydroelectric power. The term includes the alternative energy resource, waste heat, from sulfuric acid manufacturing operations.*

(3) *On or before January 1, 2006, each public utility must continuously offer a purchase contract to producers of renewable energy. The commission shall establish requirements relating to the purchase of capacity and energy by public utilities from renewable energy producers and may adopt rules to administer this section. The contract shall contain payment provisions for energy and capacity which are based upon the utility's full avoided costs, as defined in s. 366.051; however, capacity payments are not required if, due to the operational characteristics of the renewable energy generator or the anticipated peak and off-peak availability and capacity factor of the utility's avoided unit, the producer is unlikely to provide any capacity value to the utility or the electric grid during the contract term. Each contract must provide a contract term of at least 10 years. Prudent and reasonable costs associated with a renew-*

able energy contract shall be recovered from the ratepayers of the contracting utility, without differentiation among customer classes, through the appropriate cost-recovery clause mechanism administered by the commission.

(4) On or before January 1, 2006, each municipal electric utility and rural electric cooperative whose annual sales, as of July 1, 1993, to retail customers were greater than 2,000 gigawatt hours must continuously offer a purchase contract to producers of renewable energy containing payment provisions for energy and capacity which are based upon the utility's or cooperative's full avoided costs, as determined by the governing body of the municipal utility or cooperative; however, capacity payments are not required if, due to the operational characteristics of the renewable energy generator or the anticipated peak and off-peak availability and capacity factor of the utility's avoided unit, the producer is unlikely to provide any capacity value to the utility or the electric grid during the contract term. Each contract must provide a contract term of at least 10 years.

(5) A contracting producer of renewable energy must pay the actual costs of its interconnection with the transmission grid or distribution system.

Section 2. Subsection (1) of section 366.11, Florida Statutes, is amended to read:

366.11 Certain exemptions.—

(1) No provision of this chapter shall apply in any manner, other than as specified in ss. 366.04, 366.05(7) and (8), 366.051, 366.055, 366.093, 366.095, 366.14, and 366.80-366.85, and 366.91, to utilities owned and operated by municipalities, whether within or without any municipality, or by cooperatives organized and existing under the Rural Electric Cooperative Law of the state, or to the sale of electricity, manufactured gas, or natural gas at wholesale by any public utility to, and the purchase by, any municipality or cooperative under and pursuant to any contracts now in effect or which may be entered into in the future, when such municipality or cooperative is engaged in the sale and distribution of electricity or manufactured or natural gas, or to the rates provided for in such contracts.

Section 3. Section 403.7061, Florida Statutes, is amended to read:

403.7061 Requirements for review of new waste-to-energy facility capacity by the Department of Environmental Protection.—

(1) The Legislature recognizes the need to use an integrated approach to municipal solid waste management. Accordingly, the solid waste management legislation adopted in 1988 was guided by policies intended to foster integrated solid waste management by using waste reduction, recycling, waste-to-energy facilities, and landfills. Progress is being made in the state using this integrated approach to municipal solid waste management, and this approach should be continued. Waste-to-energy facilities will continue to be an integral part of the state's solid waste management practices. However, the state is committed to achieving its recycling and waste reduction goals and must ensure that waste-to-energy facilities are fully integrated with the state's waste management goals. Therefore, the Legislature finds that the department should evaluate applications for waste-to-energy facilities in accordance with the new criteria in subsection (3) to confirm that the facilities are part of an integrated waste management plan.

(2) Notwithstanding any other provisions of state law, the department shall not issue a construction permit or certification to build a waste-to-energy facility or expand an existing waste-to-energy facility unless the facility meets the requirements set forth in subsection (3). Any construction permit issued by the department between January 1, 1993, and May 12, 1993, which does not address these new requirements shall be invalid. These new requirements do not apply to the issuance of permits or permit modifications to retrofit existing facilities with new or improved pollution control equipment to comply with state or federal law. The department shall initiate rulemaking to incorporate the criteria in subsection (3) into its permit review process.

(3) An applicant must provide reasonable assurance that the construction of a new waste-to-energy facility or the expansion of an existing waste-to-energy facility will comply with the following *criteria* ~~subsections~~:

(a) The facility is a necessary part of the local government's integrated solid waste management program in the jurisdiction where the facility is located and cannot be avoided through feasible and practical efforts to use recycling or waste reduction.

(b) The use of capacity at existing waste-to-energy facilities within reasonable transportation distance of the proposed facility must have been evaluated and found not to be economically feasible when compared to the use of the proposed facility for the expected life of the proposed facility. This paragraph does not apply to:

1. Applications to build or expand waste-to-energy facilities received by the department before March 1, 1993, or amendments to such applications that do not increase combustion capacity beyond that requested as of March 1, 1993; or

2. Any modification to waste-to-energy facility construction or operating permits or certifications or conditions thereto, including certifications under ss. 403.501-403.518, that do not increase combustion capacity above that amount applied for before March 1, 1993.

(c) The county in which the facility is located *has implemented and maintains a solid waste management and recycling program that is designed to will achieve the 30 percent waste reduction goal set forth in s. 403.706(4) by the time the facility begins operation.* For the purposes of this section, the provisions of s. 403.706(4)(c) for counties *having with* populations of 100,000 ~~75,000~~ or fewer ~~less~~ do not apply.

(d) The local government in which the facility is located has implemented a mulching, composting, or other waste reduction program for yard trash.

(e) The local governments served by the facility will have implemented or participated in a separation program designed to remove small-quantity generator and household hazardous waste, mercury containing devices, and mercuric-oxide batteries from the waste stream prior to incineration, by the time the facility begins operation.

(f) The local government in which the facility is located has implemented a program to procure products or materials with recycled content, pursuant to s. 403.7065.

(g) A program will exist in the local government in which the facility is located for collecting and recycling recovered material from the institutional, commercial, and industrial sectors by the time the facility begins operation.

(h) The facility will be in compliance with applicable local ordinances and with the approved state and local comprehensive plans required by chapter 163.

(i) The facility is in substantial compliance with its permit, conditions of certification, and any agreements or orders resulting from environmental enforcement actions by state agencies.

(4) For the purposes of this section, the term "waste-to-energy facility" means a facility that uses an enclosed device using controlled combustion to thermally break down solid, liquid, or gaseous combustible solid waste to an ash residue that contains little or no combustible material and that produces electricity, steam, or other energy as a result. The term does not include facilities that primarily burn fuels other than solid waste even if such facilities also burn some solid waste as a fuel supplement. The term also does not include facilities that burn vegetative, agricultural, or silvicultural wastes, bagasse, clean dry wood, methane or other landfill gas, wood fuel derived from construction or demolition debris, or waste tires, alone or in combination with fossil fuels.

Section 4. *Requirements relating to solid waste disposal facility permitting.—Local government applicants for a permit to construct or expand a Class I landfill are encouraged to consider construction of a waste-to-energy facility as an alternative to additional landfill space.*

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

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to renewable energy; creating s. 366.91, F.S.; providing legislative findings; providing definitions; requiring public

utilities, municipal utilities, and rural electric cooperatives to offer a purchase contract to producers of renewable energy; requiring the Florida Public Service Commission to establish requirements relating to the purchase of capacity and energy by public utilities from renewable energy producers; authorizing the commission to adopt rules; providing requirements for contracts; requiring that a producer pay the costs for interconnection; amending s. 366.11, F.S.; specifying that requirements for the purchase of renewable energy apply to municipal utilities; amending s. 403.7061, F.S.; revising a permit requirement for a waste-to-energy facility; encouraging specified applicants for a landfill permit to consider construction of a waste-to-energy facility; providing an effective date.

Pursuant to Rule 4.19, **HB 77** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Haridopolos—

**SB 784**—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 an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 784** to **HB 281**.

Pending further consideration of **SB 784** as amended, on motion by Senator Haridopolos, by two-thirds vote **HB 281** was withdrawn from the Committees on Education; Governmental Oversight and Productivity; and General Government Appropriations.

On motion by Senator Haridopolos—

**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.

—a companion measure, was substituted for **SB 784** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 281** was placed on the calendar of Bills on Third Reading.

On motion by Senator Sebesta—

**SB 1980**—A bill to be entitled An act relating to the Florida Commission on Tourism; amending s. 288.1223, F.S.; designating a member from the restaurant industry to the Florida Commission on Tourism; revising financial-disclosure requirements for commission members to conform with those of other statewide boards and commissions exercising governing authority; repealing s. 288.1224(11), F.S., relating to a statewide advisory committee of the Florida Commission on Tourism; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1980** was placed on the calendar of Bills on Third Reading.

On motion by Senator Atwater—

**SB 1796**—A bill to be entitled An act relating to property tax administration; amending s. 195.0995, F.S.; providing that if the Department of Revenue finds that more than 10 percent of sales qualified or disqualified by a county do not fall within applicable criteria, the department shall issue a postaudit notification of defects instead of a review notice; amending s. 195.096, F.S.; revising the requirements placed on the department in its review of assessment rolls; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1796** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bennett—

**SB 1460**—A bill to be entitled An act relating to motor vehicle registration; amending s. 320.02, F.S.; requiring that the registration application form contain a provision permitting a voluntary contribution to be distributed to Southeastern Guide Dogs, Inc.; providing for use of the funds; exempting such funds from the general revenue service charge; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1460** was placed on the calendar of Bills on Third Reading.

**CS for SJR's 1210 and 1362**—A joint resolution proposing an amendment to Section 4 of Article VI and the creation of Section 26 of Article XII of the State Constitution, relating to qualifications of candidates for public office, to increase the time a person may serve as state senator or state representative before being disqualified from a consecutive candidacy.

—was read the second time by title.

On motion by Senator Sebesta, further consideration of **CS for SJR's 1210 and 1362** was deferred.

On motion by Senator Bennett—

**CS for CS for SB 492**—A bill to be entitled An act relating to wrecker operators; amending s. 319.30, F.S.; redefining the term “certificate of destruction,” to conform; amending s. 323.001, F.S.; revising certain towing and storage rates; amending s. 713.78, F.S.; removing mobile homes from the application of a statutory lien for towing and storage; conforming provisions related to recovering, towing, or storing vessels; providing for attorney’s fees; creating s. 713.785, F.S.; authorizing the imposition of lien by a mobile home transport company for recovering, towing, or storing a mobile home; providing definitions; requiring a mobile home transport company to provide notice of recovery, towing, or storage services; providing for the filing of a complaint; providing procedures for the sale of an unclaimed mobile home; specifying circumstances under which a mobile home transport company must obtain a certificate of destruction; providing for fees; authorizing the department to adopt rules; providing for fees; providing for issuing certificates of destruction and revalidation stickers; providing procedures for disputing a lien and for discharge of a lien; providing for the posting and repayment of surety; providing for criminal penalties; amending s. 715.07, F.S.; conforming provisions related to towing vessels parked on private property; imposing criminal penalties for failure to comply with certain laws governing the towing of vehicles and vessels; providing effective dates.

—was read the second time by title.

Senator Bennett moved the following amendments which were adopted:

**Amendment 1 (100640)**—On page 3, line 4 through page 9, line 28, delete those lines and insert:

Section 3. Subsections (2), (4), (5), (6), (7), (10), (11), and (13) of section 713.78, Florida Statutes, are amended to read:

713.78 Liens for recovering, towing, or storing vehicles and vessels.—

(2) Whenever a person regularly engaged in the business of transporting vehicles or vessels by wrecker, tow truck, or car carrier recovers, removes, or stores a vehicle or vessel, ~~or mobile home~~ upon instructions from:

(a) The owner thereof; ~~or~~

(b) The owner or lessor, or a person authorized by the owner or lessor, of property on which such vehicle *or vessel* is wrongfully parked, and ~~the such~~ removal is done in compliance with s. 715.07; or

(c) Any law enforcement agency; ~~or~~

~~(d) A mobile home park owner as defined in s. 723.003 who has a current writ of possession for a mobile home lot pursuant to s. 723.061, she or he shall have a lien on the such vehicle or vessel for a reasonable towing fee and for a reasonable storage fee; except that no storage fee shall be charged if the such vehicle is stored for less than 6 hours.~~

(4)(a) Any person regularly engaged in the business of recovering, towing, or storing vehicles or vessels who comes into possession of a vehicle or vessel pursuant to subsection (2), and who claims a lien for recovery, towing, or storage services, shall give notice to the registered owner, the insurance company insuring the vehicle notwithstanding the provisions of s. 627.736, and to all persons claiming a lien thereon, as disclosed by the records in the Department of Highway Safety and Motor Vehicles or of a corresponding agency in any other state.

(b) Whenever any law enforcement agency authorizes the removal of a vehicle *or vessel* or whenever any towing service, garage, repair shop, or automotive service, storage, or parking place notifies the law enforcement agency of possession of a vehicle *or vessel* pursuant to s. 715.07(2)(a)2., the applicable law enforcement agency shall contact the Department of Highway Safety and Motor Vehicles, or the appropriate agency of the state of registration, if known, within 24 hours through the medium of electronic communications, giving the full description of the vehicle *or vessel*. Upon receipt of the full description of the vehicle *or vessel*, the department shall search its files to determine the owner's name, the insurance company insuring the vehicle *or vessel*, and whether any person has filed a lien upon the vehicle *or vessel* as provided in s. 319.27(2) and (3) and notify the applicable law enforcement agency within 72 hours. The person in charge of the towing service, garage, repair shop, or automotive service, storage, or parking place shall obtain such information from the applicable law enforcement agency within 5 days ~~after from~~ the date of storage and shall give notice pursuant to paragraph (a). The department may release the insurance company information to the requestor notwithstanding the provisions of s. 627.736.

(c) Notice by certified mail, return receipt requested, shall be sent within 7 business days after the date of storage of the vehicle or vessel to the registered owner, the insurance company insuring the vehicle notwithstanding the provisions of s. 627.736, and all persons of record claiming a lien against the vehicle or vessel. It shall state the fact of possession of the vehicle or vessel, that a lien as provided in subsection (2) is claimed, that charges have accrued and the amount thereof, that the lien is subject to enforcement pursuant to law, and that the owner or lienholder, if any, has the right to a hearing as set forth in subsection (5), and that any vehicle or vessel which remains unclaimed, or for which the charges for recovery, towing, or storage services remain unpaid, may be sold free of all prior liens after 35 days if the vehicle or vessel is more than 3 years of age or after 50 days if the vehicle or vessel is 3 years of age or less.

(d) If attempts to locate the *name and address of the* owner or lienholder prove unsuccessful, the towing-storage operator shall, after 7 working days, excluding Saturday and Sunday, of the initial tow or storage, notify the public agency of jurisdiction in writing by certified mail or acknowledged hand delivery that the towing-storage company has been unable to locate the *name and address of the* owner or lienholder and a physical search of the vehicle or vessel has disclosed no ownership information and a good faith effort has been made. For purposes of this paragraph and subsection (9), "good faith effort" means that the following checks have been performed by the company to establish prior state of registration and for title:

1. Check of vehicle or vessel for any type of tag, tag record, temporary tag, or regular tag.

2. Check of law enforcement report for tag number or other information identifying the vehicle or vessel, if the vehicle or vessel was towed at the request of a law enforcement officer.

3. Check of trip sheet or tow ticket of tow truck operator to see if a tag was on vehicle *or vessel* at beginning of tow, if private tow.

4. If there is no address of the owner on the impound report, check of law enforcement report to see if an out-of-state address is indicated from driver license information.

5. Check of vehicle or vessel for inspection sticker or other stickers and decals that may indicate a state of possible registration.

6. Check of the interior of the vehicle or vessel for any papers that may be in the glove box, trunk, or other areas for a state of registration.

7. Check of vehicle for vehicle identification number.

8. Check of vessel for vessel registration number.

9. Check of vessel hull for a hull identification number which should be carved, burned, stamped, embossed, or otherwise permanently affixed to the outboard side of the transom or, if there is no transom, to the outmost seaboard side at the end of the hull that bears the rudder or other steering mechanism.

(5)(a) The owner of a vehicle or vessel removed pursuant to the provisions of subsection (2), or any person claiming a lien, other than the towing-storage operator, within 10 days after the time she or he has knowledge of the location of the vehicle or vessel, may file a complaint in the county court of the county in which the vehicle or vessel is stored or in which the owner resides to determine if her or his property was wrongfully taken or withheld from her or him.

(b) Upon filing of a complaint, an owner or lienholder may have her or his vehicle or vessel released upon posting with the court a cash or surety bond or other adequate security equal to the amount of the charges for towing or storage and lot rental amount to ensure the payment of such charges in the event she or he does not prevail. Upon the posting of the bond and the payment of the applicable fee set forth in s. 28.24, the clerk of the court shall issue a certificate notifying the lienor of the posting of the bond and directing the lienor to release the vehicle or vessel. At the time of such release, after reasonable inspection, she or he shall give a receipt to the towing-storage company reciting any claims she or he has for loss or damage to the vehicle or vessel or the contents thereof.

(c) Upon determining the respective rights of the parties, the court may award damages, *attorney's fees*, and costs in favor of the prevailing party. In any event, the final order shall provide for immediate payment in full of recovery, towing, and storage fees by the vehicle or vessel owner or lienholder; or the agency ordering the tow; or the owner, lessee, or agent thereof of the property from which the vehicle or vessel was removed.

(6) Any vehicle or vessel which is stored pursuant to subsection (2) and which remains unclaimed, or for which reasonable charges for recovery, towing, or storing remain unpaid ~~or for which a lot rental amount is due and owing to the mobile home park owner, as evidenced by a judgment for unpaid rent~~, and any contents not released pursuant to subsection (10), may be sold by the owner or operator of the storage space for such towing or storage charge ~~or unpaid lot rental amount~~ after 35 days from the time the vehicle or vessel is stored therein if the vehicle or vessel is more than 3 years of age or after 50 days following the time the vehicle or vessel is stored therein if the vehicle or vessel is 3 years of age or less. The sale shall be at public auction for cash. If the date of the sale was not included in the notice required in subsection (4), notice of the sale shall be given to the person in whose name the vehicle *or*; vessel, ~~or mobile home~~ is registered, ~~to the mobile home park owner~~, and to all persons claiming a lien on the vehicle or vessel as shown on the records of the Department of Highway Safety and Motor Vehicles or of the corresponding agency in any other state. Notice shall be sent by certified mail, return receipt requested, to the owner of the vehicle or vessel and the person having the recorded lien on the vehicle or vessel at the address shown on the records of the registering agency and shall be mailed not less than 15 days before the date of the sale. After diligent search and inquiry, if the name and address of the registered owner or the owner of the recorded lien cannot be ascertained, the requirements of notice by mail may be dispensed with. In addition to the notice by mail, public notice of the time and place of sale shall be made by publishing a notice thereof one time, at least 10 days prior to the date of the sale, in a newspaper of general circulation in the county in which the sale is

to be held. The proceeds of the sale, after payment of reasonable towing and storage charges, and costs of the sale, and the unpaid lot rental amount, in that order of priority, shall be deposited with the clerk of the circuit court for the county if the owner is absent, and the clerk shall hold such proceeds subject to the claim of the person legally entitled thereto. The clerk shall be entitled to receive 5 percent of such proceeds for the care and disbursement thereof. The certificate of title issued under this law shall be discharged of all liens unless otherwise provided by court order.

(7)(a) A wrecker operator recovering, towing, or storing vehicles or vessels is not liable for damages connected with such services, theft of such vehicles or vessels, or theft of personal property contained in such vehicles or vessels, provided that such services have been performed with reasonable care and provided, further, that, in the case of removal of a vehicle or vessel upon the request of a person purporting, and reasonably appearing, to be the owner or lessee, or a person authorized by the owner or lessee, of the property from which such vehicle or vessel is removed, such removal has been done in compliance with s. 715.07. Further, a wrecker operator is not liable for damage to a vehicle, vessel, or cargo that obstructs the normal movement of traffic or creates a hazard to traffic and is removed in compliance with the request of a law enforcement officer. ~~connected with such services when complying with the lawful directions of a law enforcement officer to remove a vehicle stopped, standing, or parked upon a street or highway in such a position as to obstruct the normal movement of traffic or in such a condition as to create a hazard to other traffic upon the street or highway.~~

(b) For the purposes of this subsection, a wrecker operator is presumed to use reasonable care to prevent the theft of a vehicle or vessel or of any personal property contained in such vehicle stored in the wrecker operator's storage facility if all of the following apply:

1. The wrecker operator surrounds the storage facility with a chain-link or solid-wall type fence at least 6 feet in height;
2. The wrecker operator has illuminated the storage facility with lighting of sufficient intensity to reveal persons and vehicles at a distance of at least 150 feet during nighttime; and
3. The wrecker operator uses one or more of the following security methods to discourage theft of vehicles or vessels or of any personal property contained in such vehicles or vessels stored in the wrecker operator's storage facility:
  - a. A night dispatcher or watchman remains on duty at the storage facility from sunset to sunrise;
  - b. A security dog remains at the storage facility from sunset to sunrise;
  - c. Security cameras or other similar surveillance devices monitor the storage facility; or
  - d. A security guard service examines the storage facility at least once each hour from sunset to sunrise.

(c) Any law enforcement agency requesting that a motor vehicle be removed from an accident scene, street, or highway must conduct an inventory and prepare a written record of all personal property found in the vehicle before the vehicle is removed by a wrecker operator. However, if the owner or driver of the motor vehicle is present and accompanies the vehicle, no inventory by law enforcement is required. A wrecker operator is not liable for the loss of personal property alleged to be contained in such a vehicle when such personal property was not identified on the inventory record prepared by the law enforcement agency requesting the removal of the vehicle.

(10) Persons who provide services pursuant to this section shall permit vehicle or vessel owners or their agents, which agency is evidenced by an original a writing acknowledged by the owner before a notary public or other person empowered by law to administer oaths, to inspect the towed vehicle or vessel and shall release to the owner or agent the vehicle, vessel, or all personal property not affixed to the vehicle or vessel which was in the vehicle or vessel at the time the vehicle or vessel came into the custody of the person providing such services.

(11)(a) Any person regularly engaged in the business of recovering, towing, or storing vehicles or vessels who comes into possession of a

vehicle or vessel pursuant to subsection (2) and who has complied with the provisions of subsections (3) and (6), when such vehicle or vessel is to be sold for purposes of being dismantled, destroyed, or changed in such manner that it is not the motor vehicle or vessel, or mobile home described in the certificate of title, shall apply to the county tax collector for a certificate of destruction. A certificate of destruction, which authorizes the dismantling or destruction of the vehicle or vessel described therein, shall be reassignable a maximum of two times before dismantling or destruction of the vehicle shall be required, and shall accompany the vehicle or vessel for which it is issued, when such vehicle or vessel is sold for such purposes, in lieu of a certificate of title. The application for a certificate of destruction must include an affidavit from the applicant that it has complied with all applicable requirements of this section and, if the vehicle or vessel is not registered in this state, by a statement from a law enforcement officer that the vehicle or vessel is not reported stolen, and shall be accompanied by such documentation as may be required by the department.

(b) The Department of Highway Safety and Motor Vehicles shall charge a fee of \$3 for each certificate of destruction. A service charge of \$4.25 shall be collected and retained by the tax collector who processes the application.

(c) The Department of Highway Safety and Motor Vehicles may adopt such rules as it deems necessary or proper for the administration of this subsection.

(13)(a) Upon receipt by the Department of Highway Safety and Motor Vehicles of written notice from a wrecker operator who claims a wrecker operator's lien under paragraph (2)(c) or paragraph (2)(d) for recovery, towing, or storage of an abandoned vehicle or vessel or mobile home upon instructions from any law enforcement agency, for which a certificate of destruction has been issued under subsection (11), the department shall place the name of the registered owner of that vehicle or vessel, or mobile home on the list of those persons who may not be issued a license plate or revalidation sticker for any motor vehicle under s. 320.03(8). If the vehicle or vessel, or mobile home is owned jointly by more than one person, the name of each registered owner shall be placed on the list. The notice of wrecker operator's lien shall be submitted on forms provided by the department, which must include:

1. The name, address, and telephone number of the wrecker operator.
2. The name of the registered owner of the vehicle or vessel, or mobile home and the address to which the wrecker operator provided notice of the lien to the registered owner under subsection (4).
3. A general description of the vehicle or vessel, or mobile home, including its color, make, model, body style, and year.
4. The vehicle identification number (VIN); registration license plate number, state, and year; validation decal number, state, and year; mobile home sticker number, state, and year; vessel registration number; hull identification number; or other identification number, as applicable.
5. The name of the person or the corresponding law enforcement agency that requested that the vehicle or vessel, or mobile home be recovered, towed, or stored.
6. The amount of the wrecker operator's lien, not to exceed the amount allowed by paragraph (b).

(b) For purposes of this subsection only, the amount of the wrecker operator's lien for which the department will prevent issuance of a license plate or revalidation sticker may not exceed the amount of the charges for recovery, towing, and storage of the vehicle or vessel, or mobile home for 7 days. These charges may not exceed the maximum rates imposed by the ordinances of the respective county or municipality under ss. 125.0103(1)(c) and 166.043(1)(c). This paragraph does not limit the amount of a wrecker operator's lien claimed under subsection (2) or prevent a wrecker operator from seeking civil remedies for enforcement of the entire amount of the lien, but limits only that portion of the lien for which the department will prevent issuance of a license plate or revalidation sticker.

(c)1. The registered owner of a vehicle or vessel, or mobile home may dispute a wrecker operator's lien, by notifying the department of the

dispute in writing on forms provided by the department, if at least one of the following applies:

a. The registered owner presents a notarized bill of sale proving that the vehicle *or*, vessel, ~~or mobile home~~ was sold in a private or casual sale before the vehicle *or*, vessel, ~~or mobile home~~ was recovered, towed, or stored.

b. The registered owner presents proof that the Florida certificate of title of the vehicle *or*, vessel, ~~or mobile home~~ was sold to a licensed dealer as defined in s. 319.001 before the vehicle *or*, vessel, ~~or mobile home~~ was recovered, towed, or stored.

If the registered owner's dispute of a wrecker operator's lien complies with one of these criteria, the department shall immediately remove the registered owner's name from the list of those persons who may not be issued a license plate or revalidation sticker for any motor vehicle under s. 320.03(8), thereby allowing issuance of a license plate or revalidation sticker. If the vehicle *or*, vessel, ~~or mobile home~~ is owned jointly by more than one person, each registered owner must dispute the wrecker operator's lien in order to be removed from the list. However, the department shall deny any dispute and maintain the registered owner's name on the list of those persons who may not be issued a license plate or revalidation sticker for any motor vehicle under s. 320.03(8) if the wrecker operator has provided the department with a certified copy of the judgment of a court which orders the registered owner to pay the wrecker operator's lien claimed under this section. In such a case, the amount of the wrecker operator's lien allowed by paragraph (b) may be increased to include no more than \$500 of the reasonable costs and attorney's fees incurred in obtaining the judgment. The department's action under this subparagraph is ministerial in nature, shall not be considered final agency action, and is appealable only to the county court for the county in which the vehicle *or*, vessel, ~~or mobile home~~ was ordered removed.

2. A person against whom a wrecker operator's lien has been imposed may alternatively obtain a discharge of the lien by filing a complaint, challenging the validity of the lien or the amount thereof, in the county court of the county in which the vehicle *or*, vessel, ~~or mobile home~~ was ordered removed. Upon filing of the complaint, the person may have her or his name removed from the list of those persons who may not be issued a license plate or revalidation sticker for any motor vehicle under s. 320.03(8), thereby allowing issuance of a license plate or revalidation sticker, upon posting with the court a cash or surety bond or other adequate security equal to the amount of the wrecker operator's lien to ensure the payment of such lien in the event she or he does not prevail. Upon the posting of the bond and the payment of the applicable fee set forth in s. 28.24, the clerk of the court shall issue a certificate notifying the department of the posting of the bond and directing the department to release the wrecker operator's lien. Upon determining the respective rights of the parties, the court may award damages and costs in favor of the prevailing party.

3. If a person against whom a wrecker operator's lien has been imposed does not object to the lien, but cannot discharge the lien by payment because the wrecker operator has moved or gone out of business, the person may have her or his name removed from the list of those persons who may not be issued a license plate or revalidation sticker for any motor vehicle under s. 320.03(8), thereby allowing issuance of a license plate or revalidation sticker, upon posting with the clerk of court in the county in which the vehicle *or*, vessel, ~~or mobile home~~ was ordered removed, a cash or surety bond or other adequate security equal to the amount of the wrecker operator's lien. Upon the posting of the bond and the payment of the application fee set forth in s. 28.24, the clerk of the court shall issue a certificate notifying the department of the posting of the bond and directing the department to release the wrecker operator's lien. The department shall mail to the wrecker operator, at the address upon the lien form, notice that the wrecker operator must claim the security within 60 days, or the security will be released back to the person who posted it. At the conclusion of the 60 days, the department shall direct the clerk as to which party is entitled to payment of the security, less applicable clerk's fees.

4. A wrecker operator's lien expires 5 years after filing.

(d) Upon discharge of the amount of the wrecker operator's lien allowed by paragraph (b), the wrecker operator must issue a certificate of discharged wrecker operator's lien on forms provided by the department to each registered owner of the vehicle *or*, vessel, ~~or mobile home~~ attesting that the amount of the wrecker operator's lien allowed by paragraph

(b) has been discharged. Upon presentation of the certificate of discharged wrecker operator's lien by the registered owner, the department shall immediately remove the registered owner's name from the list of those persons who may not be issued a license plate or revalidation sticker for any motor vehicle under s. 320.03(8), thereby allowing issuance of a license plate or revalidation sticker. Issuance of a certificate of discharged wrecker operator's lien under this paragraph does not discharge the entire amount of the wrecker operator's lien claimed under subsection (2), but only certifies to the department that the amount of the wrecker operator's lien allowed by paragraph (b), for which the department will prevent issuance of a license plate or revalidation sticker, has been discharged.

(e) When a wrecker operator files a notice of wrecker operator's lien under this subsection, the department shall charge the wrecker operator a fee of \$2, which shall be deposited into the General Revenue Fund established under s. 860.158. A service charge of \$2.50 shall be collected and retained by the tax collector who processes a notice of wrecker operator's lien.

(f) This subsection applies only to the annual renewal in the registered owner's birth month of a motor vehicle registration and does not apply to the transfer of a registration of a motor vehicle sold by a motor vehicle dealer licensed under chapter 320, except for the transfer of registrations which is inclusive of the annual renewals. This subsection does not affect the issuance of the title to a motor vehicle, notwithstanding s. 319.23(7)(b).

(g) The Department of Highway Safety and Motor Vehicles may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this subsection.

**Amendment 2 (101136)(with title amendment)**—On page 3, line 14, after “vehicle” insert: *or vessel*

And the title is amended as follows:

On page 1, delete line 2 and insert: An act relating to recovering, towing, and storage of motor vehicles, vessels, and mobile homes; amending

**Amendment 3 (641172)(with title amendment)**—On page 20, lines 21-23, delete those lines and insert:

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

(a) “Vehicle” means any mobile item which normally uses wheels, whether motorized or not.

(b) “Vessel” means every description of watercraft, barge, and air boat used or capable of being used as a means of transportation on water, other than a seaplane or a “documented vessel” as defined in s. 327.02(8).

And the title is amended as follows:

On page 1, line 30, following the semicolon (;) insert: defining the term “vessel”;

Pursuant to Rule 4.19, **CS for CS for SB 492** 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 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 "mortgagee of record"; providing effective dates.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 370** was placed on the calendar of Bills on Third Reading.

On motion by Senator Haridopolos, by two-thirds vote **HB 213** was withdrawn from the Committees on Regulated Industries; Commerce and Consumer Services; and Rules and Calendar.

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

**HB 213**—A bill to be entitled An act relating to construction professionals; amending s. 481.221, F.S.; requiring the Board of Architecture and Interior Design to prescribe, by rule, one or more forms of seals for use by a registered architect or interior designer who holds a valid certificate of registration; authorizing use of one seal and registration of the seal electronically; authorizing electronic transmission and sealing of final plans, specifications, or reports; prohibiting signing or sealing of final plans, specifications, or reports after expiration, suspension, or revocation of certificate of registration; requiring surrender of the seal upon suspension or revocation of the certificate of registration; amending s. 481.321, F.S.; requiring the Board of Landscape Architecture to prescribe, by rule, one or more forms of seals for use by a registered landscape architect who holds a valid certificate of registration; authorizing use of one seal and registration of the seal electronically; authorizing electronic transmission and sealing of final plans, specifications, or reports; prohibiting signing or sealing of final plans, specifications, or reports after expiration, suspension, or revocation of certificate of registration; requiring surrender of the seal upon suspension or revocation of the certificate of registration; reenacting s. 481.225(1)(a) and (3), F.S., relating to disciplinary proceedings against registered architects, to incorporate the amendment to s. 481.221, F.S., in a reference thereto; providing penalties; reenacting s. 481.325(1)(a) and (3), F.S., relating to disciplinary proceedings against registered landscape architects, to incorporate the amendment to s. 481.321, F.S., in a reference thereto; providing penalties; amending s. 489.103, F.S.; exempting pre-engineered fire extinguishing system permittees from construction contracting regulation; amending s. 489.105, F.S.; revising contractor definitions to authorize Class A and Class B air-conditioning contractors to disconnect or reconnect changeouts of liquefied petroleum or natural gas appliances within buildings, mechanical contractors to install, maintain,

fabricate, repair, alter, extend, or design, when not prohibited by law, liquefied petroleum gas lines within buildings, and plumbing contractors to install liquefied petroleum gas and related venting lines; providing an effective date.

—a companion measure, was substituted for **SB 792** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 213** was placed on the calendar of Bills on Third Reading.

On motion by Senator Crist, by two-thirds vote **HB 1765** was withdrawn from the Committee on Justice Appropriations.

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

**HB 1765**—A bill to be entitled An act relating to the Federal Grants Trust Fund; creating s. 947.045, F.S.; creating the Federal Grants Trust Fund within the Florida Parole Commission; providing for the source and use of funds; providing for annual carryover of funds; providing for review and termination or re-creation of the trust fund; providing an effective date.

—a companion measure, was substituted for **SB 2194** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 1765** was placed on the calendar of Bills on Third Reading.

On motion by Senator Garcia—

**CS for SB 1508**—A bill to be entitled An act relating to life insurance and annuity contracts; amending s. 624.402, F.S.; providing that a certificate of authority is not required of insurers domiciled outside the United States for certain life insurance policies or annuity contracts covering only persons who are not residents of the United States and are not nonresidents illegally residing in the United States; providing criteria, requirements, and limitations; requiring the insurer to disclose certain information; providing for the Office of Insurance Regulation to determine when the insurer is no longer eligible for the exemption; providing an exemption from certain taxes; requiring life insurance applications and policies and annuity contracts to provide certain disclosure statements; specifying application of certain provisions to single-premium life insurance policies and single-premium annuity contracts issued to certain nonresidents; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1508** was placed on the calendar of Bills on Third Reading.

The Senate resumed consideration of—

**CS for SB 1034**—A bill to be entitled An act relating to extracurricular student activities; amending s. 1006.15, F.S.; providing that eligibility requirements for participation shall apply to all extracurricular activities rather than to interscholastic activities only; providing that a student shall not be precluded from participation in certain activities; providing certain restrictions with respect to participation; authorizing district school boards to establish a waiver process; requiring the State Board of Education to approve school district waiver processes; amending ss. 1002.33 and 1002.41, F.S.; conforming provisions; requiring the Department of Education to annually report data relating to student participation in extracurricular activities; providing an effective date.

—which was previously considered this day. Pending **Amendment 1 (810942)** by Senator Wilson was withdrawn.

#### MOTION

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

Senator Villalobos moved the following amendment:

**Amendment 2 (322130)**—On page 2, line 19, after the period (.) insert: *However, a student who is not eligible may continue to participate in extracurricular activities for a 9-week grading period. Following the 9-week period, if that student does not meet the requirements of this section, the student may not participate in the extracurricular activities as provided in this section.*

#### MOTION

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

On motion by Senator Baker, further consideration of **CS for SB 1034** with pending **Amendment 2 (322130)** was deferred.

The Senate resumed consideration of—

**CS for SJR's 1210 and 1362**—A joint resolution proposing an amendment to Section 4 of Article VI and the creation of Section 26 of Article XII of the State Constitution, relating to qualifications of candidates for public office, to increase the time a person may serve as state senator or state representative before being disqualified from a consecutive candidacy.

—which was previously considered this day.

Pending further consideration of **CS for SJR's 1210 and 1362**, on motion by Senator Sebesta, by two-thirds vote **HJR 1177** was withdrawn from the Committees on Ethics and Elections; Judiciary; and Rules and Calendar.

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

**HJR 1177**—A joint resolution proposing an amendment to Section 4 of Article VI and the creation of Section 26 of Article XII of the State Constitution relating to limitations on the number of consecutive years during which certain elected constitutional officers may hold office before being denied the right to have their names appear on the ballot.

—a companion measure, was substituted for **CS for SJR's 1210 and 1362** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HJR 1177** was placed on the calendar of Bills on Third Reading.

The Senate resumed consideration of—

**CS for SB 1034**—A bill to be entitled An act relating to extracurricular student activities; amending s. 1006.15, F.S.; providing that eligibility requirements for participation shall apply to all extracurricular activities rather than to interscholastic activities only; providing that a student shall not be precluded from participation in certain activities; providing certain restrictions with respect to participation; authorizing district school boards to establish a waiver process; requiring the State Board of Education to approve school district waiver processes; amending ss. 1002.33 and 1002.41, F.S.; conforming provisions; requiring the Department of Education to annually report data relating to student participation in extracurricular activities; providing an effective date.

—which was previously considered this day. Pending **Amendment 2 (322130)** by Senator Villalobos was withdrawn.

Pending further consideration of **CS for SB 1034**, on motion by Senator Baker, by two-thirds vote **HB 149** was withdrawn from the Committee on Education.

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

**HB 149**—A bill to be entitled An act relating to extracurricular student activities; amending s. 1006.15, F.S.; providing that eligibility requirements for participation shall apply to all extracurricular activities rather than to interscholastic activities only; providing that a student shall not be precluded from participation in certain activities; providing certain restrictions with respect to participation; authorizing establishment of a waiver process; prohibiting certain waivers; amending ss.

1002.33 and 1002.41, F.S.; conforming provisions; requiring the Department of Education to annually report data relating to student participation in extracurricular activities; providing an effective date.

—a companion measure, was substituted for **CS for SB 1034** and by two-thirds vote read the second time by title.

#### MOTION

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

Senator Baker moved the following amendment:

**Amendment 1 (805952)(with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Section 1006.15, Florida Statutes, is amended to read:

1006.15 Student standards for participation in interscholastic extracurricular student activities; regulation.—

(1) This section may be cited as the “Craig Dickinson Act.”

(2) Interscholastic Extracurricular student activities are an important complement to the academic curriculum. Participation in a comprehensive extracurricular and academic program contributes to student development of the social and intellectual skills necessary to become a well-rounded adult. As used in this section, the term “extracurricular” means any school-authorized or education-related activity, including, but not limited to, interscholastic activities, occurring during or outside the regular instructional school day. For purposes of this section, a student shall not be precluded from receiving tutoring, performing community service, or attending school athletic, social, and academic functions. However, a student who is not eligible, pursuant to this section, to participate in extracurricular activities shall not perform at school functions or travel with a school team, band, club, or other organization to any event where the group is to compete or perform. This section does not prohibit a student who is enrolled in a class designated by the student course code directory provided by the Department of Education from performing or traveling to compete or perform as part of the class curriculum. However, a student who is not eligible may continue to participate in extracurricular activities for a 9-week grading period. Following the 9-week period, if that student does not meet the requirements of this section, the student may not participate in the extracurricular activities as provided in this section.

(3)(a) To be eligible to participate in interscholastic extracurricular student activities, a student must:

1. Maintain a grade point average of 2.0 or above on a 4.0 scale, or its equivalent, in the previous semester or a cumulative grade point average of 2.0 or above on a 4.0 scale, or its equivalent, in the courses required by s. 1003.43(1).

2. Execute and fulfill the requirements of an academic performance contract between the student, the district school board, the appropriate governing association, and the student's parents, if the student's cumulative grade point average falls below 2.0, or its equivalent, on a 4.0 scale in the courses required by s. 1003.43(1) or, for students who entered the 9th grade prior to the 1997-1998 school year, if the student's cumulative grade point average falls below 2.0 on a 4.0 scale, or its equivalent, in the courses required by s. 1003.43(1) that are taken after July 1, 1997. At a minimum, the contract must require that the student attend summer school, or its graded equivalent, between grades 9 and 10 or grades 10 and 11, as necessary.

3. Have a cumulative grade point average of 2.0 or above on a 4.0 scale, or its equivalent, in the courses required by s. 1003.43(1) during his or her junior or senior year.

4. Maintain satisfactory conduct and, if a student is convicted of, or is found to have committed, a felony or a delinquent act which would have been a felony if committed by an adult, regardless of whether adjudication is withheld, the student's participation in interscholastic extracurricular activities is contingent upon established and published district school board policy.

*District school boards are encouraged to establish a process to waive the requirements of this paragraph based on extenuating circumstances of an*

individual student. The State Board of Education shall approve each school district's waiver process prior to implementation.

(b) Any student who is exempt from attending a full school day based on rules adopted by the district school board for double session schools or programs, experimental schools, or schools operating under emergency conditions must maintain the grade point average required by this section and pass each class for which he or she is enrolled. *The establishment and approval of the waiver process pursuant to paragraph (a) shall apply to the requirements of this paragraph.*

(c) An individual home education student is eligible to participate at the public school to which the student would be assigned according to district school board attendance area policies or which the student could choose to attend pursuant to district or interdistrict controlled open enrollment provisions, or may develop an agreement to participate at a private school, in the interscholastic extracurricular activities of that school, provided the following conditions are met:

1. The home education student must meet the requirements of the home education program pursuant to s. 1002.41.

2. During the period of participation at a school, the home education student must demonstrate educational progress as required in paragraph (b) in all subjects taken in the home education program by a method of evaluation agreed upon by the parent and the school principal which may include: review of the student's work by a certified teacher chosen by the parent; grades earned through correspondence; grades earned in courses taken at a community college, university, or trade school; standardized test scores above the 35th percentile; or any other method designated in s. 1002.41.

3. The home education student must meet the same residency requirements as other students in the school at which he or she participates.

4. The home education student must meet the same standards of acceptance, behavior, and performance as required of other students in extracurricular activities.

5. The student must register with the school his or her intent to participate in interscholastic extracurricular activities as a representative of the school before the beginning date of the season for the activity in which he or she wishes to participate. A home education student must be able to participate in curricular activities if that is a requirement for an extracurricular activity.

6. A student who transfers from a home education program to a public school before or during the first grading period of the school year is academically eligible to participate in interscholastic extracurricular activities during the first grading period provided the student has a successful evaluation from the previous school year, pursuant to subparagraph 2.

7. Any public school or private school student who has been unable to maintain academic eligibility for participation in interscholastic extracurricular activities is ineligible to participate in such activities as a home education student until the student has successfully completed one grading period in home education pursuant to subparagraph 2. to become eligible to participate as a home education student.

(d) An individual charter school student pursuant to s. 1002.33 is eligible to participate at the public school to which the student would be assigned according to district school board attendance area policies or which the student could choose to attend, pursuant to district or interdistrict controlled open-enrollment provisions, in any interscholastic extracurricular activity of that school, unless such activity is provided by the student's charter school, if the following conditions are met:

1. The charter school student must meet the requirements of the charter school education program as determined by the charter school governing board.

2. During the period of participation at a school, the charter school student must demonstrate educational progress as required in paragraph (b).

3. The charter school student must meet the same residency requirements as other students in the school at which he or she participates.

4. The charter school student must meet the same standards of acceptance, behavior, and performance that are required of other students in extracurricular activities.

5. The charter school student must register with the school his or her intent to participate in interscholastic extracurricular activities as a representative of the school before the beginning date of the season for the activity in which he or she wishes to participate. A charter school student must be able to participate in curricular activities if that is a requirement for an extracurricular activity.

6. A student who transfers from a charter school program to a traditional public school before or during the first grading period of the school year is academically eligible to participate in interscholastic extracurricular activities during the first grading period if the student has a successful evaluation from the previous school year, pursuant to subparagraph 2.

7. Any public school or private school student who has been unable to maintain academic eligibility for participation in interscholastic extracurricular activities is ineligible to participate in such activities as a charter school student until the student has successfully completed one grading period in a charter school pursuant to subparagraph 2. to become eligible to participate as a charter school student.

(4) The student standards for participation in interscholastic extracurricular activities must be applied beginning with the student's first semester of the 9th grade. Each student must meet such other requirements for participation as may be established by the district school board; however, a district school board may not establish requirements for participation in interscholastic extracurricular activities which make participation in such activities less accessible to home education students than to other students. Except as set forth in paragraph (3)(c), evaluation processes or requirements that are placed on home education student participants may not go beyond those that apply under s. 1002.41 to home education students generally.

(5) Any organization or entity that regulates or governs interscholastic extracurricular activities of public schools:

(a) Shall permit home education associations to join as member schools.

(b) Shall not discriminate against any eligible student based on an educational choice of public, private, or home education.

(6) Public schools are prohibited from membership in any organization or entity which regulates or governs interscholastic extracurricular activities and discriminates against eligible students in public, private, or home education.

(7) Any insurance provided by district school boards for participants in extracurricular activities shall cover the participating home education student. If there is an additional premium for such coverage, the participating home education student shall pay the premium.

Section 2. Subsection (11) of section 1002.33, Florida Statutes, is amended to read:

1002.33 Charter schools.—

(11) PARTICIPATION IN INTERSCHOLASTIC EXTRACURRICULAR ACTIVITIES.—A charter school student is eligible to participate in an interscholastic extracurricular activity at the public school to which the student would be otherwise assigned to attend pursuant to s. 1006.15(3)(d).

Section 3. Subsection (4) of section 1002.41, Florida Statutes, is amended to read:

1002.41 Home education programs.—

(4) Home education students may participate in interscholastic extracurricular student activities in accordance with the provisions of s. 1006.15.

Section 4. *The Department of Education shall gather data regarding the number of students who have been precluded from participating in extracurricular activities due to the provisions of section 1006.15, Florida*

*Statutes, as amended by this act, and the effect of those provisions on graduation rates and dropout rates. This data shall be reported annually to the Governor, the President of the Senate, and the Speaker of the House of Representatives.*

Section 5. This act shall take effect January 1, 2006.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to extracurricular student activities; amending s. 1006.15, F.S.; providing that eligibility requirements for participation shall apply to all extracurricular activities rather than to interscholastic activities only; providing that a student shall not be precluded from participation in certain activities; providing certain restrictions with respect to participation; authorizing district school boards to establish a waiver process; requiring the State Board of Education to approve school district waiver processes; amending ss. 1002.33 and 1002.41, F.S.; conforming provisions; requiring the Department of Education to annually report data relating to student participation in extracurricular activities; providing an effective date.

On motion by Senator Baker, further consideration of **HB 149** with pending **Amendment 1 (805952)** was deferred.

### MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Bennett, by two-thirds vote **SB 704, SB 706, SB 708, SB 834, SB 1202, SB 1212, SB 1712, SB 1848, SB 2290** and **SB 2300** were withdrawn from the committees of reference and further consideration.

On motion by Senator Campbell, by two-thirds vote **SB 2104** was withdrawn from the committees of reference and further consideration.

On motion by Senator Pruitt, by two-thirds vote **CS for SB 1216, CS for SB's 1872 and 2378, CS for SB 2196, HB 1889 and HB 1899** were withdrawn from the Committee on Ways and Means; **CS for SB 460** was withdrawn from the Committees on Community Affairs; and Rules and Calendar; **SB 360** was withdrawn from the Committees on Transportation and Economic Development Appropriations; and Ways and Means; and referred to the Committees on Transportation; and Ways and Means; **CS for SB 2068** was withdrawn from the Committee on Transportation and Economic Development Appropriations; **CS for SB 1174** and **SB 1254** were withdrawn from the Committee on General Government Appropriations; **SB 1122** and **CS for SB 2264** were withdrawn from the Committee on Government Efficiency Appropriations; **SJR 2090** was withdrawn from the Committee on Government Efficiency Appropriations; and Rules and Calendar; **CS for SB 1246, SB 1344** and **SB 2480** were withdrawn from the Committee on Judiciary; **CS for SB 1228** was withdrawn from the Committees on Community Affairs; Transportation and Economic Development Appropriations; Ways and Means; and Rules and Calendar; and also referred to the Committee on Education; **SB 702** was withdrawn from the Committee on Education; and **SB 208** and **CS for SB 1600** were withdrawn from the Committee on Health and Human Services Appropriations.

### REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Wednesday, April 13, 2005: **CS for SB 660, CS for CS for SB 1322, CS for SB 502, CS for SB 1072, CS for SB 1194, CS for SB 938, CS for SB 1144, CS for SB 646, SB 1172, CS for SB 940, CS for SB 612, CS for SB 1662, CS for SB 1508, CS for SB 1034, CS for SB 494, SB 784, SB 1980, SB 1796, SB 1460, CS for SJR's 1210 and 1362, CS for CS for SB 492, CS for CS for SB 370, SB 792, SB 2194**

Respectfully submitted,  
*Ken Pruitt, Chair*

The Committee on Environmental Preservation recommends the following pass: **SB 2322**

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

The Committee on Regulated Industries recommends the following pass: **SB 2344** with 1 amendment

**The bill was referred to the Committee on Banking and Insurance under the original reference.**

The Committee on Health Care recommends the following pass: **SB 2608** with 1 amendment

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

The Committee on Judiciary recommends the following pass: **SB 1790**

**The bill was referred to the Committee on Communications and Public Utilities under the original reference.**

The Committee on Environmental Preservation recommends the following pass: **SB 796, SB 2460**

The Committee on Transportation recommends the following pass: **SB 1928** with 1 amendment

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

The Committee on Health Care recommends the following pass: **SB 2352** with 1 amendment

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

The Committee on Health Care recommends the following pass: **SB 1696** with 1 amendment, **SB 2268**

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

The Committee on Governmental Oversight and Productivity recommends the following pass: **CS for SB 1710**

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

The Committee on Community Affairs recommends the following pass: **SB 2288**

The Committee on Environmental Preservation recommends the following pass: **CS for SB 1748** with 1 amendment

The Committee on Transportation recommends the following pass: **CS for SB 774** with 2 amendments

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

The Committee on Community Affairs recommends the following pass: **CS for SB 2212** with 1 amendment, **SB 2216, SB 2578** with 1 amendment

The Committee on Regulated Industries recommends the following pass: **SB 2244**

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

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The Committee on Criminal Justice recommends the following pass: CS for SB 1272, CS for SB 1416, SB 1930 with 1 amendment

The Committee on Education recommends the following pass: SB 2398

The Committee on Health Care recommends the following pass: SB 676 with 1 amendment

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

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The Committee on Community Affairs recommends the following pass: CS for SB 618

The Committee on Criminal Justice recommends the following pass: CS for SB 484

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 1450

The Committee on Health Care recommends the following pass: SB 1032, SB 1618

The Committee on Judiciary recommends the following pass: SB 1498

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

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The Committee on Education recommends the following pass: SB 2130

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

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The Committee on Children and Families recommends the following pass: SB 1924

The Committee on Criminal Justice recommends the following pass: SB 2624 with 1 amendment

The Committee on Ethics and Elections recommends the following pass: SB 1860

The Committee on Health Care recommends the following pass: CS for SB 890, SB 1862, SB 2562 with 1 amendment

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

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The Committee on Community Affairs recommends the following pass: SB 1702 with 1 amendment

The Committee on Judiciary recommends the following pass: CS for SB 1526

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

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The Committee on Community Affairs recommends the following pass: SB 1854

The Committee on Education recommends the following pass: SB 1252

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

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The Committee on Governmental Oversight and Productivity recommends the following pass: CS for SB 440

The Committee on Judiciary recommends the following pass: CS for SB 638

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

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The Committee on Criminal Justice recommends the following pass: SB 1100

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

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The Committee on Community Affairs recommends the following pass: CS for SB 1572

The Committee on Environmental Preservation recommends the following pass: SB 718

The Committee on Health Care recommends the following pass: SB 1502

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

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The Committee on Governmental Oversight and Productivity recommends the following pass: SB 60

The Committee on Transportation and Economic Development Appropriations recommends the following pass: SB 1496

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

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The Committee on Criminal Justice recommends the following pass: CS for SB 1118

The Committee on Education Appropriations recommends the following pass: CS for SB 542, SB 670, SB 1678 with 1 amendment

The Committee on Health and Human Services Appropriations recommends the following pass: CS for CS for SB 186, CS for SB 1324

The Committee on Health Care recommends the following pass: SB 1172, SB 2574

The Committee on Judiciary recommends the following pass: SB 2242

The Committee on Justice Appropriations recommends the following pass: SB 1512

The Committee on Transportation recommends the following pass: SB 1918

The Committee on Transportation and Economic Development Appropriations recommends the following pass: CS for CS for SB 1652 with 1 amendment, CS for SB 2284

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

The Committee on Regulated Industries recommends a committee substitute for the following: SB 2346

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

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The Committee on Judiciary recommends a committee substitute for the following: SB 1456

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

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The Committee on Education recommends a committee substitute for the following: SB 2550

The Committee on Transportation recommends committee substitutes for the following: SB 1814, SB 1874

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

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The Committee on Communications and Public Utilities recommends committee substitutes for the following: SB 2070, Senate Bills 2072 and 1714

The Committee on Criminal Justice recommends a committee substitute for the following: SB 514

The Committee on Environmental Preservation recommends committee substitutes for the following: SB 1906, SB 2368

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

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The Committee on Judiciary recommends a committee substitute for the following: SB 608

The Committee on Transportation recommends a committee substitute for the following: SB 216

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

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The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 1162

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

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The Committee on Community Affairs recommends a committee substitute for the following: SB 2490

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

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The Committee on Environmental Preservation recommends a committee substitute for the following: SB 1182

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: CS for SB 330

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

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The Committee on Community Affairs recommends a committee substitute for the following: CS for SB 1770

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 926

The Committee on Regulated Industries recommends committee substitutes for the following: CS for SB 2302, SB 2432

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

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The Committee on Environmental Preservation recommends committee substitutes for the following: SB 332, SB 2426

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

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The Committee on Health Care recommends a committee substitute for the following: SB 1994

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

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The Committee on Children and Families recommends a committee substitute for the following: SB 1836

The Committee on Regulated Industries recommends committee substitutes for the following: SB 1654, SB 1694

The Committee on Transportation recommends a committee substitute for the following: SB 2516

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

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The Committee on Criminal Justice recommends committee substitutes for the following: SB 1218, SB 1220, SB 2056

The Committee on Ethics and Elections recommends a committee substitute for the following: Senate Bills 1944 and 2008

The Committee on Regulated Industries recommends a committee substitute for the following: SB 1492

The Committee on Transportation recommends a committee substitute for the following: SB 686

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

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The Committee on Children and Families recommends a committee substitute for the following: CS for SB 1978

The Committee on Criminal Justice recommends committee substitutes for the following: SB 782, SB 1216, SB 1914

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

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The Committee on Criminal Justice recommends a committee substitute for the following: SB 634

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

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The Committee on Education recommends a committee substitute for the following: SB 2478

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

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The Committee on Children and Families recommends a committee substitute for the following: SB 1910

The Committee on Transportation recommends a committee substitute for the following: SB 2082

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

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The Committee on Education Appropriations recommends a committee substitute for the following: SB 658

The Committee on General Government Appropriations recommends a committee substitute for the following: SJR 1870

The Committee on Health Care recommends a committee substitute for the following: SB 838

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

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The Committee on Children and Families recommends a committee substitute for the following: SB 1354

The Committee on Community Affairs recommends a committee substitute for the following: SB 1160

The Committee on Criminal Justice recommends a committee substitute for the following: SB 1438

The Committee on General Government Appropriations recommends committee substitutes for the following: CS for SB 486, SB 786, SB 1590, SB 1730, CS for CS for SB 1784

The Committee on Governmental Oversight and Productivity recommends committee substitutes for the following: CS for SB 334, SB 738, CS for SB 1016, SB 1094

The Committee on Health and Human Services Appropriations recommends committee substitutes for the following: SB 348, CS for SB 626, CS for SB 1472, CS for SB 1872 and SB 2378

The Committee on Judiciary recommends a committee substitute for the following: SB 1908

The Committee on Justice Appropriations recommends committee substitutes for the following: SB 316, CS for SB 328, CS for SB 1216

The Committee on Transportation recommends a committee substitute for the following: SB 770

The Committee on Transportation and Economic Development Appropriations recommends committee substitutes for the following: SB 718, CS for SB 1910

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

**REPORTS OF COMMITTEES RELATING TO EXECUTIVE BUSINESS**

The Committee on Children and Families recommends that the Senate confirm the following appointment made by the Governor:

*Office and Appointment* *For Term Ending*

Secretary of Children and Family Services  
 Appointee: Lucy D. Hadi Pleasure of Governor

The Committee on Communications and Public Utilities recommends that the Senate confirm the following appointment made by the Governor:

*Office and Appointment* *For Term Ending*

Florida Public Service Commission  
 Appointee: Lisa B. Edgar 01/05/2009

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

*Office and Appointment* *For Term Ending*

Secretary of Juvenile Justice  
 Appointee: Anthony J. Schembri Pleasure of Governor

The Committee on Governmental Oversight and Productivity recommends that the Senate confirm the following appointment made by the Governor:

*Office and Appointment* *For Term Ending*

Secretary of Management Services  
 Appointee: Tom Lewis, Jr. Pleasure of Governor

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

**INTRODUCTION AND REFERENCE OF BILLS**

**FIRST READING**

By Senator Baker—

**SB 2660**—A bill to be entitled An act relating to the Lake County Water Authority district; amending, codifying, reenacting, and repealing special acts relating to the district in conformity to s. 189.429, F.S.; providing district boundaries; providing purposes; providing for a governing body and prescribing its powers, duties, functions, membership, and organization; providing for partisan election of board members; providing duties of constitutional officers in Lake County with respect to the authority; providing a limit on the amount the authority may spend to educate the public regarding water issues; providing maximum millage limit; repealing chapters 29222 (1953), 57-1484, 59-1466, 63-1507, 65-1787, 69-1209, 2000-492, and 2003-376, Laws of Florida, relating to the district; providing for a referendum on whether elections to the authority shall be partisan; providing a ballot statement; providing effective dates.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Posey—

**SB 2662**—A bill to be entitled An act relating to the City of Melbourne, Brevard County; providing for extending the corporate limits of the City of Melbourne; providing for annexation of two unincorporated areas known and described as Aurora Road Area A and Aurora Road Area B; providing for elections; providing for effective dates of annexation; providing for the effects of annexation; providing for transfer of public roads and rights-of-way; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

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By Senator Constantine—

**SB 2664**—A bill to be entitled An act relating to the Sanford Airport Authority, Seminole County; amending chapter 71-924, Laws of Florida; authorizing the authority to enter into contracts, leases, franchises, or other arrangements with any person or persons granting the privilege of using or improving any project of the authority, or any portion thereof of space therein, for commercial purposes; providing requirements and limitations with respect thereto; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

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By Senator Fasano—

**SB 2666**—A bill to be entitled An act relating to Pasco County Mosquito Control District, Pasco County; ratifying and confirming the creation of Pasco County Mosquito Control District pursuant to chapter 390, Florida Statutes (1951), as an independent mosquito control district; providing for a special act charter for the district pursuant to section 189.429, Florida Statutes; providing legislative intent; providing for applicability of chapters 388 and 189, Florida Statutes, and other general laws; providing for district boundaries; providing for officers, powers, rules, and a district budget; providing for liability and group insurance; providing construction; providing for severability; repealing chapter 71-839, Laws of Florida, relating to salary of board members; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

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By Senator Fasano—

**SB 2668**—A bill to be entitled An act relating to the Homosassa Special Water District, Citrus County; providing for annexation of specified areas; requiring a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

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By Senator Baker—

**SB 2670**—A bill to be entitled An act relating to Lake County; amending chapter 93-358, Laws of Florida; revising provisions governing career service with the Lake County Sheriff's Office; revising definitions; deleting provisions relating to the establishment of divisions within the office; providing effect of voluntary and involuntary termination of employment on career service status; authorizing demotion of certain employees without cause; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

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By Senator Haridopolos—

**SB 2672**—A bill to be entitled An act relating to the Merritt Island Public Library District, Brevard County; codifying, amending, reenacting, and repealing chapters 65-1289, 72-477, 76-330, 82-263, and 94-449, Laws of Florida, relating to the district; providing boundaries; providing for appointment of a library board; prescribing its duties, powers, and authority; providing for raising funds by taxation; providing a method of levying, collecting, and disbursing such funds; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

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By Senators Sebesta, Lee and Crist—

**SB 2674**—A bill to be entitled An act relating to the City of Tampa, Hillsborough County; amending chapter 23559, Laws of Florida, 1945, as amended; revising the definition of “salaries or wages” to provide for an employer pickup so that the employees in Division A may make pension contributions on a pre-tax basis; revising longevity retirement provisions to provide for a multiplier of 1.15 percent for employees in Division B; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

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By Senators Crist, Lee and Sebesta—

**SB 2676**—A bill to be entitled An act relating to Hillsborough County; authorizing the Division of Alcoholic Beverages and Tobacco of the Florida Department of Business and Professional Regulation to issue an alcoholic beverage license to the Arts Council of Hillsborough County for use within the Tampa Theatre; providing that the license may be used for special events only; providing for payment of the license fee by the council; providing for sale of beverages for consumption within the theatre; prohibiting sales for consumption off the premises; providing that purchasers may remove partially consumed, open containers from the premises; providing for temporary transfer of the license; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Regulated Industries; and Rules and Calendar.

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By Senator Saunders—

**SB 2678**—A bill to be entitled An act relating to Lee County; creating the Sanibel Public Library District, an independent special district for public library purposes in the county; providing legislative intent; providing a charter for the district; fixing boundaries of the district; providing powers; providing for a governing body, officers, budget and taxing authority, and indebtedness; providing for planning; providing for construction and severability; providing for a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

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By Senators Crist, Lee and Sebesta—

**SB 2680**—A bill to be entitled An act relating to Hillsborough County; providing for a fee to be paid by felony offenders in the county; providing for an accounting of such fees and remission of the fee revenues collected by the Department of Corrections; providing the duties of the clerk of the court in connection with the fee revenues remitted; providing for the use of the funds by the board of county commissioners; providing for costs of administration; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Justice Appropriations; and Rules and Calendar.

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By Senator Bullard—

**SB 2682**—A bill to be entitled An act relating to the Key Largo Fire Rescue and Emergency Medical Services District, Monroe County; creating a special district; providing definitions; providing for creation, status, charter amendments, boundaries, and purposes; providing for a board of commissioners; providing for election and terms of commissioners; providing for employment of district personnel; providing for election of board officers; providing for compensation and bonds of commissioners; providing for powers, duties, and responsibilities of the board; providing for ad valorem taxes; providing a cap on the rate of taxation; providing for impact fees; providing for authority to disburse funds; authorizing the board to borrow money; providing for use of district funds; requiring a record of all board meetings; authorizing the board to adopt policies and regulations; providing for the board to make an annual budget; requiring an annual report; authorizing the board to enact fire prevention ordinances; authorizing the district to acquire land, enter into contracts, establish salaries, and establish and operate fire, rescue, and emergency medical services; providing for district authority upon annexation of district lands; providing for dissolution; providing immunity from tort liability for officers, agents, and employees; providing for district expansion; providing for construction and effect; requiring a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

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**Senate Resolutions 2684-2686**—Not referenced.

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By Senator Saunders—

**SB 2688**—A bill to be entitled An act relating to the North Naples Fire Control and Rescue District, Collier County; revising the definition of the term “additional premium tax revenues” for purposes of the district under chapter 175, Florida Statutes, relating to firefighter pensions; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

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**Senate Resolutions 2690-2712**—Not referenced.

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By Senator Alexander—

**SB 2714**—A bill to be entitled An act relating to Spring Lake Improvement District, Highlands County; providing for codification of special laws relating to the Spring Lake Improvement District, a special tax district; providing legislative intent; codifying, reenacting, amending, and repealing chapters 71-669, 77-563, 88-461, and 90-434, Laws of Florida; providing for minimum charter requirements; providing for provision of other laws made applicable; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

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By Senator Alexander—

**SB 2716**—A bill to be entitled An act relating to the Sebring Airport Authority, Highlands County; codifying, amending, reenacting, and repealing special acts relating to the authority; defining the powers and

duties of said authority; granting to the authority power to acquire, lease, construct, reconstruct, improve, extend, enlarge, equip, repair, maintain, and operate airport and other facilities; providing for the issuance of bonds of the authority, payable solely from funds provided therefor under the act, to pay the cost of acquiring, constructing, or reconstructing any facilities and the cost of improvements, extensions, enlargements, and equipment; granting to the authority power to acquire necessary real and personal property and to exercise the power of eminent domain; providing for the imposition and collection of charges for the use of and for the services furnished by any such facilities; authorizing the City of Sebring to make grants and conveyances to the authority; prescribing the powers and duties of the authority in connection with the foregoing and the rights and remedies of the holders of any bonds or revenue certificates issued under the provisions of this act; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

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**SR 2718**—Not referenced.

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By Senator Bennett—

**SB 2720**—A bill to be entitled An act relating to Manatee and Sarasota Counties; creating within portions of such counties the “Lakewood Ranch Stewardship District Act”; providing a popular name; providing legislative findings and intent; providing definitions; stating legislative policy regarding creation of the district; establishing compliance with minimum requirements in s. 189.404(3), F.S., for creation of an independent special district; providing for creation and establishment of the district; establishing the legal boundaries of the district; providing for the jurisdiction and charter of the district; providing for a board of supervisors and establishing membership criteria and election procedures; providing for board members’ terms of office; providing for board meetings; providing for administrative duties of the board; providing a method for transition of the board from landowner control to control by the resident electors of the district; providing for a district manager and district personnel; providing for a district treasurer, selection of a public depository, and district budgets and financial reports; providing for the general powers of the district; providing for the special powers of the district to plan, finance, and provide community infrastructure and services within the district; providing that the exercise of the special powers by the district within Manatee and Sarasota Counties is limited until such time as the district enters into an interlocal agreement with the respective county; providing for required notices to purchasers of residential units within the district; providing severability; providing for a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

## COMMITTEE SUBSTITUTES

### FIRST READING

By the Committee on Transportation; and Senators Hill and Lynn—

**CS for SB 216**—A bill to be entitled An act relating to motor vehicle safety belt usage; providing a short title; amending s. 316.614, F.S.; revising provisions relating to safety belt usage; requiring the Department of Highway Safety and Motor Vehicles to develop a policy to prohibit the practice of racial profiling; providing an effective date.

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By the Committee on Justice Appropriations; and Senators Fasano and Lynn—

**CS for SB 316**—A bill to be entitled An act relating to the Criminal Punishment Code; amending s. 921.0022, F.S.; including offenses involving the possession of photographic material containing sexual conduct by a minor, the transmission of pornography by electronic device, and the transmission to a minor of material harmful to minors by electronic

device within the offense severity ranking chart of the Criminal Punishment Code; reclassifying within the offense severity ranking chart the offense of soliciting a child by a computer service to commit an unlawful sexual act, which is a felony of the third degree, to increase the penalty imposed for that offense; providing an effective date.

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By the Committees on Justice Appropriations; Community Affairs; and Senators Fasano, Bennett, Lynn and Crist—

**CS for CS for SB 328**—A bill to be entitled An act relating to automated external defibrillators in law enforcement vehicles; providing legislative findings and intent; providing definitions; requiring the Department of Law Enforcement to administer a grant program to fund the placement of automated external defibrillators in law enforcement vehicles; limiting the amount of such grants to amounts specifically appropriated; providing for administrative costs; requiring a law enforcement agency to provide matching funds when making a grant request; providing an exception; providing for priority consideration for certain applications; requiring the department to adopt rules; providing an effective date.

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By the Committees on Governmental Oversight and Productivity; Environmental Preservation; and Senator Dockery—

**CS for CS for SB 330**—A bill to be entitled An act relating to notification of contamination; amending s. 376.301, F.S.; defining specified terms; creating s. 376.30702, F.S.; requiring that a person provide notice to the Division of Waste Management of the Department of Environmental Protection, the department's district office, and the Department of Health when contamination is discovered as a result of site rehabilitation activities; providing requirements for notice; requiring notice when laboratory analytical results demonstrate that contamination exists in any medium beyond the boundaries of the property of the site rehabilitation; providing requirements for notice; requiring that the department notify the record owners of real property at which contamination has been discovered; authorizing the department to collaborate with the Department of Health to establish procedures for responding to public inquiries; providing rulemaking authority; providing an effective date.

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By the Committee on Environmental Preservation; and Senator Dockery—

**CS for SB 332**—A bill to be entitled An act relating to trust funds; creating s. 403.891, F.S.; creating the Water Protection and Sustainability Trust Fund within the Department of Environmental Protection; providing for sources of funds and purposes; providing for an annual carryforward of funds; providing for future legislative review and termination or re-creation of the trust fund; providing a contingent effective date.

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By the Committees on Governmental Oversight and Productivity; Commerce and Consumer Services; and Senators Saunders, Lynn, Fasano, Dockery and Bennett—

**CS for CS for SB 334**—A bill to be entitled An act relating to public housing; amending s. 421.02, F.S.; clarifying a legislative finding with respect to the inability of private enterprise to revitalize blighted areas; public housing; amending s. 421.08, F.S.; authorizing a housing authority to organize for the purpose of creating a for-profit or not-for-profit corporation, limited liability company, or similar entity to develop and operate residential homes or nonresidential projects; providing qualifications for a family to live in such a residential home; authorizing a corporation, limited liability company, or similar entity created by a housing authority to join with other entities to develop and operate residential or nonresidential projects; ratifying certain prior actions of a housing authority; authorizing the governing board of a housing authority to implement its own policy regarding per diem and travel expenses of its officials, officers, employees, and board members; amending s. 421.09, F.S.; providing that the certain limitations regarding the operation and management of a housing project do not restrict the activities of a for-profit or not-for-profit business entity created by the housing

authority under s. 421.08, F.S.; amending s. 421.23, F.S.; authorizing a housing authority to use certain pledged funds to pay liabilities arising from the operation of its housing projects; repealing s. 421.54, F.S., relating to certain limitations on constructing housing projects in Orange and Seminole Counties; providing an effective date.

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By the Committee on Health and Human Services Appropriations; and Senators Lynn and Rich—

**CS for SB 348**—A bill to be entitled An act relating to family court efficiency; creating s. 25.375, F.S.; authorizing the Supreme Court to create a system to identify cases relating to individuals and families within the court system; requiring the Supreme Court, the Criminal and Juvenile Justice Information System Council, the Article V Technology Board, and the Florida Association of State Court Clerks to provide recommendations regarding a personal identifier relating to individuals and families within the court system; amending s. 39.013, F.S.; providing for modifying a court order in a subsequent civil proceeding; amending s. 39.0132, F.S.; providing for limited admissibility of evidence in subsequent civil proceedings; amending s. 39.521, F.S.; conforming provisions to s. 39.0132, F.S., regarding modification of a court order in a subsequent civil action or proceeding; amending s. 39.814, F.S.; providing for limited admissibility of evidence in subsequent civil proceedings; amending s. 61.13, F.S.; providing for the court to determine matters relating to child support in any proceeding under ch. 61, F.S.; eliminating provisions authorizing the court to award grandparents visitation rights; eliminating provisions giving grandparents equal standing as parents for evaluating custody arrangements; amending s. 61.21, F.S.; requiring the Department of Children and Family Services to approve parenting courses; establishing requirements relating to the provision of approved parenting courses; specifying timeframes for completing the course; amending s. 741.30, F.S.; providing for an order of temporary custody, visitation, or support to remain in effect until the court enters an order in a subsequent action; amending ss. 61.1827 and 409.2579, F.S., relating to information about applicants and recipients of child-support services; conforming cross-references; providing for severability; providing an effective date.

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By the Committees on General Government Appropriations; Environmental Preservation; and Senator Dockery—

**CS for CS for SB 486**—A bill to be entitled An act relating to phosphate mine reclamation; amending s. 378.034, F.S.; deleting an obsolete provision relating to the use of reclamation funds; amending s. 378.035, F.S.; deleting an obsolete provision authorizing the Department of Environmental Protection to expend certain funds; amending s. 373.414, F.S.; requiring financial responsibility for wetlands mitigation; specifying the financial responsibility demonstration for permitted activities occurring over a period of 3 years or more of mining activities; extending the due date of the Peace River Basin study; providing an effective date.

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By the Committee on Criminal Justice; and Senators Wilson, Lawson, Miller and Hill—

**CS for SB 514**—A bill to be entitled An act relating to the restoration of civil rights; requiring that the administrator of a county detention facility provide an application form for the restoration of civil rights to a prisoner who has been convicted of a felony and is serving a sentence in that facility; authorizing the use of volunteers to assist the prisoner in completing the application; providing that this section does not apply to prisoners who are transferred to the Department of Corrections; providing an effective date.

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By the Committee on Judiciary; and Senators Garcia, Crist, Lynn, Smith, Baker, Villalobos, Carlton, Campbell, Atwater, Peaden, Haridopolos, Argenziano, Sebesta, Fasano, Saunders, Posey, Aronberg, Jones, Bennett, King, Diaz de la Portilla and Constantine—

**CS for SB 608**—A bill to be entitled An act relating to forcible felony violators; creating the Anti-Murder Act; creating s. 903.0351, F.S.; denying bail or any form of pretrial release to forcible felony violators in

certain circumstances; amending s. 948.06, F.S.; providing definitions; providing that forcible felony violators shall remain in custody pending the resolution of probation or community control violation hearings; providing exceptions; providing for hearings to determine the nature and probability of any danger that forcible felony violators pose to the community before release of violators following probation or community control violations; amending s. 921.0024, F.S.; revising Criminal Punishment Code computations to provide additional community sanction violation points when a community sanction violation is committed by a forcible felony violator; reenacting ss. 948.012(2)(b), 948.10(9), and 958.14, F.S., relating to split sentence of probation or community control and imprisonment, community control programs, and violation of probation or community control program, respectively, to incorporate the amendment to s. 948.06, F.S., in references thereto; providing applicability; providing an effective date.

By the Committees on Health and Human Services Appropriations; Health Care; and Senators Constantine and Campbell—

**CS for SB 626**—A bill to be entitled An act relating to environmental health; creating s. 381.0069, F.S.; providing for the regulation of portable restroom contracting; providing definitions; requiring a portable restroom contractor to apply for registration with the Department of Health; providing requirements for registration, including an examination; providing for administration; providing rulemaking authority; providing for renewal of registration, including continuing education; providing for authorization of business entities providing portable restroom contracting services under a fictitious name; providing grounds for suspension or revocation of registration or authorization; providing fees; providing penalties and prohibitions; amending s. 381.0061, F.S.; authorizing imposition of an administrative fine for violating portable restroom contracting requirements; amending s. 381.0065, F.S.; specifying the department's powers and duties with respect to regulating portable restroom facilities and the individuals or businesses that provide and service such facilities; authorizing the department to enter the business premises of any portable restroom contractor to determine compliance and for the purpose of enforcement; authorizing issuance of a citation for a violation of portable restroom contracting requirements which may contain an order of correction or a fine; providing an effective date.

By the Committee on Criminal Justice; and Senator Bennett—

**CS for SB 634**—A bill to be entitled An act relating to alarm system contracting; amending s. 633.702, F.S.; providing a criminal penalty for intentionally or willfully installing, servicing, testing, repairing, improving, or inspecting a fire alarm system unless the person who performs those acts has certain qualifications or is exempt under s. 489.503, F.S.; providing an effective date.

By the Committee on Education Appropriations; and Senator Sebesta—

**CS for SB 658**—A bill to be entitled An act relating to the University of South Florida St. Petersburg; amending s. 1009.24, F.S.; authorizing the Campus Board of the university to submit a proposal to assess a student-center-support fee to the University of South Florida Board of Trustees for approval; providing a cap on the sum of the fees students are required to pay for courses; prohibiting the inclusion of the fee in calculating the amount a student receives under specified scholarship awards; providing procedures for fee recommendation and approval; providing authorized uses of revenues from such fee; providing an effective date.

By the Committee on Transportation—

**CS for SB 686**—A bill to be entitled An act relating to the disposition of traffic infractions; amending s. 318.14, F.S.; providing that a person who is cited for a noncriminal traffic infraction may elect to attend, under certain circumstances, an intermediate driver improvement course approved by the Department of Highway Safety and Motor Vehicles; providing requirements for such election; amending s. 322.025,

F.S.; requiring that the department deduct points from a person's driving record for certain traffic violations in another state or under federal law; providing that such person may elect to attend a driver improvement course; providing certain limitations; amending s. 318.1451, F.S., relating to driver improvement schools; requiring passage of a department-approved final examination at the conclusion of a driver improvement course; allowing a student to retake the examination once without charge; requiring certain data to be provided to the department; requiring that the department consider certain course content of intermediate driver improvement courses prior to approval of such courses; conforming provisions to changes made by the act; providing an effective date.

By the Committee on Transportation and Economic Development Appropriations; and Senator Sebesta—

**CS for SB 718**—A bill to be entitled An act relating to the Department of Transportation; amending s. 337.251, F.S.; authorizing the department to adopt rules governing the leasing of property for joint public-private development; amending s. 337.406, F.S.; granting local governments authority to issue permits allowing limited temporary use of state transportation right-of-way; clarifying limited access facilities are not included in such authority; amending s. 339.55, F.S.; establishing a maximum limit on state-funded infrastructure bank loans to the State Transportation Trust Fund; amending s. 373.4137, F.S.; revising the requirements for projects intended to mitigate the adverse effects of transportation projects; removing the Department of Environmental Protection from the mitigation process; revising requirements for the Department of Transportation and the transportation authorities with respect to submitting plans and inventories; authorizing the use of current-year funds for future projects; revising the requirements for reconciling escrow accounts used to fund mitigation projects; authorizing payments to a water management district to fund the costs of future maintenance and monitoring; requiring specified lump-sum payments to be used for the mitigation costs of certain projects; authorizing a governing board of a water management district to approve the use of mitigation funds for certain future projects; requiring that mitigation plans be approved by the water management district rather than the Department of Environmental Protection; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senators Fasano, Haridopolos, Crist, Wise, Smith and Webster—

**CS for SB 738**—A bill to be entitled An act relating to the Criminal Justice Standards and Training Commission; amending s. 943.11, F.S.; requiring that the members of the commission who are sheriffs appointed by the Governor be chosen from a list of nominees submitted by the Florida Sheriffs Association; requiring that the members of the commission who are chiefs of police appointed by the Governor be chosen from a list of nominees submitted by the Florida Police Chiefs Association; requiring that the members of the commission who are law enforcement officers of the rank of sergeant or below and the member who is a correctional officer of the rank of sergeant or below who are appointed by the Governor be chosen from a list of nominees submitted by a committee composed of certain collective bargaining agents; providing selection criteria for the committee; requiring lists of nominees to be submitted by a time certain; providing an effective date.

By the Committee on Transportation; and Senator Lynn—

**CS for SB 770**—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; designating Roi Henri Christophe Boulevard, Charles Summer Boulevard, Capois-La-Mort Boulevard, and Jean Baptiste Point du Sable Boulevard in Miami-Dade County; designating Eric Ulysses Ramirez Highway in Lake County; designating Trooper Darryl Haywood Highway, David Hinson and Charles W. Cherry in Volusia County; designating Teye Brown Parkway, Charles B. Dailey Parkway, and Johnnie Mae Chappell Parkway in Duval County; designating Dr. John M. Haile Memorial Boulevard in Marion County; designating Bob Graham/Sunshine Skyway Bridge in Pinellas County; and designating Ricardo Karakadze Street in Miami-Dade County; directing the Department of Transportation to erect suitable markers; providing an effective date.

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By the Committee on Criminal Justice; and Senators Campbell and Bullard—

**CS for SB 782**—A bill to be entitled An act relating to hazing; providing a popular name; specifying conduct that constitutes hazing at high schools with grades 9-12; creating new offenses of hazing at such a high school; providing a definition; providing for felony and misdemeanor offenses of hazing at such a high school; specifying the elements of each offense; providing criminal penalties; requiring the court to impose a hazing-education course as a condition of sentence in certain circumstances; authorizing the court to impose a condition of drug or alcohol probation in certain circumstances; specifying circumstances that do not constitute a valid defense to a prosecution of hazing at such a high school; creating a rule of construction; amending s. 1006.63, F.S.; revising a definition; providing for felony and misdemeanor offenses of hazing at postsecondary educational institutions; specifying the elements of each offense; providing for criminal penalties; requiring the court to impose a hazing-education course as a condition of sentence in certain circumstances; authorizing the court to impose a condition of drug or alcohol probation in certain circumstances; specifying circumstances that do not constitute a valid defense to a prosecution for the offense of hazing; creating a rule of construction; amending s. 1001.64, F.S., to conform a cross-reference; providing construction with respect to civil causes of action; providing applicability; providing an effective date.

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

**CS for SB 786**—A bill to be entitled An act relating to fees imposed on tire and battery sales; amending s. 403.718, F.S.; imposing a fee on the sale of new motor vehicle tires sold to governmental entities; amending s. 403.7185, F.S.; imposing a fee on the sale of new or remanufactured lead-acid batteries sold to governmental entities; specifying that certain amendments are remedial in nature and are intended for clarification; providing that certain dealers are not eligible for a refund; providing an effective date.

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By the Committee on Health Care; and Senator Peaden—

**CS for SB 838**—A bill to be entitled An act relating to Medicaid; amending s. 409.912, F.S.; requiring the Agency for Health Care Administration to contract with a vendor to monitor and evaluate the clinical practice patterns of providers; authorizing the agency to competitively bid for single-source providers for certain services; authorizing the agency to examine whether purchasing certain durable medical equipment is more cost-effective than long-term rental of such equipment; providing that a contract awarded to a provider service network remains in effect for a certain period; defining a provider service network; providing health care providers with a controlling interest in the governing body of the provider service network organization; requiring that the agency, in partnership with the Department of Elderly Affairs, develop an integrated, fixed-payment delivery system for Medicaid recipients age 60 and older; deleting an obsolete provision requiring the agency to develop a plan for implementing emergency and crisis care; requiring the agency to develop a system where health care vendors may provide data demonstrating that higher reimbursement for a good or service will

be offset by cost savings in other goods or services; requiring the Comprehensive Assessment and Review for Long-Term Care Services (CARES) teams to consult with any person making a determination that a nursing home resident funded by Medicare is not making progress toward rehabilitation and assist in any appeals of the decision; requiring the agency to contract with an entity to design a clinical-utilization information database or electronic medical record for Medicaid providers; requiring that the agency develop a plan to expand disease-management programs; requiring the agency to coordinate with other entities to create emergency room diversion programs for Medicaid recipients; revising the Medicaid prescription drug spending control program to reduce costs and improve Medicaid recipient safety; requiring that the agency implement a Medicaid prescription drug management system; allowing the agency to require age-related prior authorizations for certain prescription drugs; requiring the agency to determine the extent that prescription drugs are returned and reused in institutional settings and whether this program could be expanded; requiring the agency to develop an in-home, all-inclusive program of services for Medicaid children with life-threatening illnesses; authorizing the agency to pay for emergency mental health services provided through licensed crisis stabilization centers; creating s. 409.91211, F.S.; requiring that the agency develop a pilot program for capitated managed care networks to deliver Medicaid health care services for all eligible Medicaid recipients in Medicaid fee-for-service or the MediPass program; authorizing the agency to include an alternative methodology for making additional Medicaid payments to hospitals; providing legislative intent; providing powers, duties, and responsibilities of the agency under the pilot program; requiring that the agency provide a plan to the Legislature for implementing the pilot program; requiring that the Office of Program Policy Analysis and Government Accountability, in consultation with the Auditor General, evaluate the pilot program and report to the Governor and the Legislature on whether it should be expanded statewide; amending s. 409.9122, F.S.; revising a reference; amending s. 409.913, F.S.; requiring 5 percent of all program integrity audits to be conducted on a random basis; requiring that Medicaid recipients be provided with an explanation of benefits; requiring that the agency report to the Legislature on the legal and administrative barriers to enforcing the copayment requirements of s. 409.9081, F.S.; requiring the agency to recommend ways to ensure that Medicaid is the payer of last resort; requiring the agency to conduct a study of provider pay-for-performance systems; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study of the long-term care diversion programs; requiring the agency to evaluate the cost-saving potential of contracting with a multistate prescription drug purchasing pool; requiring the agency to determine how many individuals in long-term care diversion programs have a patient payment responsibility that is not being collected and to recommend how to collect such payments; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study of Medicaid buy-in programs to determine if these programs can be created in this state without expanding the overall Medicaid program budget or if the Medically Needy program can be changed into a Medicaid buy-in program; providing an appropriation for the purpose of developing infrastructure and administrative resources necessary to implement the pilot project as created in s. 409.91211, F.S.; providing an appropriation for developing an encounter data system for Medicaid managed care plans; providing an effective date.

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

**CS for SB 926**—A bill to be entitled An act relating to growth management; creating part II of ch. 171, F.S.; providing a popular name; providing legislative intent with respect to annexation and the coordination of services by local governments; providing definitions; providing for the creation of interlocal service boundary agreements by a county and one or more municipalities or independent special districts; specifying the procedures for initiating an agreement and responding to a proposal for agreements; identifying issues the agreement may address; requiring local governments that are a party to the agreement to amend their comprehensive plans; providing limitations on the review of certain ordinances; providing exception to the limitation on plan amendments; specifying those persons who may challenge a plan amendment required by the agreement; requiring that an agreement be adopted by resolution; providing prerequisites to annexation; providing a process for annexation; providing for the effect of an interlocal service boundary area agreement on the parties to the agreement; providing for a transfer of powers;

authorizing a municipality to provide services within an unincorporated area or territory of another municipality; authorizing a county to exercise certain powers within a municipality; providing for the effect on interlocal agreements and county charters; providing a presumption of validity; providing a procedure to settle a dispute regarding an interlocal service boundary agreement; amending s. 171.042, F.S.; revising the time period for filing of a report; providing for a cause of action to invalidate an annexation; requiring municipalities to provide notice of proposed annexation to certain persons; amending s. 171.044, F.S.; revising the time period for providing a copy of a notice; providing for a cause of action to invalidate an annexation; creating s. 171.094, F.S.; providing for the effect of interlocal service boundary agreements adopted under the act; amending s. 171.081, F.S.; requiring a governmental entity affected by annexation or contraction to initiate conflict resolution procedures under certain circumstances; amending s. 164.1058, F.S.; providing that a governmental entity that fails to participate in conflict resolution procedures shall be required to pay attorney's fees and costs under certain conditions; requesting the Division of Statutory Revision to designate parts I and II of ch. 171, F.S.; providing an effective date.

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By the Committees on Governmental Oversight and Productivity; Regulated Industries; and Senator Argenziano—

**CS for CS for SB 1016**—A bill to be entitled An act relating to construction contracting; amending s. 255.05, F.S.; making certain restrictions in bonds issued for public works projects unenforceable; amending ss. 489.129 and 489.533, F.S.; increasing an administrative fine under certain disciplinary proceeding provisions; amending s. 713.015, F.S.; revising a direct contract provision requirement; providing that failure to include such provision in such contracts limits certain lien rights under the contract; providing construction relating to validity and enforceability; preserving lien rights of certain persons; amending s. 713.02, F.S.; protecting the rights of certain persons to enforce certain contract, lien, or bond remedies or contractual obligations under certain circumstances; precluding certain defenses; amending s. 713.04, F.S.; revising certain final payment requirements; amending s. 713.08, F.S.; requiring a claim of lien to be served on an owner; amending s. 713.13, F.S.; revising provisions authorizing use of certain payment bonds to transfer certain recorded liens; specifying application of certain notice requirements to certain claims; revising time limits for serving certain required notices; amending s. 713.135, F.S.; revising certain notice of commencement and applicability of lien requirements for certain authorities issuing building permits; providing construction; amending s. 713.23, F.S.; providing that a contractor may commence an action to enforce a claim any time after a notice of nonpayment has been served; amending s. 713.24, F.S.; preserving jurisdiction in the county court over certain transfer bond claims for nonpayment; preserving certain lien rights when filing a transfer bond after commencing certain lien enforcement proceedings; amending s. 713.345, F.S.; increasing certain criminal penalties for misapplication of construction funds; amending s. 713.3471, F.S.; revising a provision requiring a lender to provide notice to a borrower when making a disbursement on a construction loan secured by residential property; providing an effective date.

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

**CS for SB 1094**—A bill to be entitled An act relating to the Blood Donor Protection Act; creating s. 381.0043, F.S.; providing a popular name; providing that no blood bank or subsidiary or affiliate thereof or employee or agent of a blood bank or subsidiary or affiliate thereof may be compelled to disclose the identity or identifying characteristics of any person who donates blood or any blood components; providing an exception; providing an effective date.

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By the Committee on Community Affairs—

**CS for SB 1160**—A bill to be entitled An act relating to comprehensive planning and land development; amending s. 163.3164, F.S.; defining the term "antiquated subdivision" for purposes of the Local Government Comprehensive Planning and Land Development Regulation Act; amending s. 163.3177, F.S.; requiring that the future land use plan

element of a comprehensive plan identify areas where the local government seeks to consolidate or vacate platted or subdivided lots; providing an exception; requiring that a local government address necessary plan amendments related to antiquated subdivisions by a specified time; providing that the governing body of a local government may not seek to consolidate or vacate all or part of a subdivision under certain circumstances; providing that the definition of an antiquated subdivision does not apply under certain circumstances; providing an effective date.

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

**CS for SB 1162**—A bill to be entitled An act relating to the Florida Prepaid College Program; amending s. 1009.98, F.S.; deleting the requirement that an independent college or university be a not-for-profit institution to be eligible for a transfer of benefits; providing a restriction on the transfer of benefits; revising provisions relating to eligibility for benefits if the program is terminated; providing an effective date.

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By the Committee on Environmental Preservation; and Senator Campbell—

**CS for SB 1182**—A bill to be entitled An act relating to incentive-based permitting; creating s. 403.0874, F.S.; providing a short title; providing legislative findings; providing purposes; providing definitions; providing for an Incentive-based Permitting Program; providing compliance incentives for certain environmental permitting activities; providing requirements and limitations; providing for administration by the Department of Environmental Protection; requiring the department to adopt certain rules; requiring agency notification of formal enforcement actions; providing notice requirements; amending ss. 161.041 and 373.413, F.S.; specifying application of the provisions of the Incentive-based Permitting Program; amending s. 403.087, F.S.; revising criteria for permits issued by the department, to conform; providing an effective date.

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By the Committee on Criminal Justice; and Senators Argenziano, Fasano and Klein—

**CS for SB 1216**—A bill to be entitled An act relating to high risk offenders; providing a short title; amending s. 775.21, F.S.; extending the period for a petition to remove a sexual predator designation; providing that it is a criminal offense to fail to report or to provide false information about a sexual predator or to harbor or hide a sexual predator; amending s. 775.082, F.S.; providing for specified sentencing of persons convicted of the life felony offense in s. 800.04(5)(b), F.S.; amending s. 800.04, F.S.; providing that it is a life felony for an offender 18 years of age or older to commit lewd or lascivious molestation against a victim younger than 12 years of age; amending s. 921.0022, F.S.; deleting ranking for offenses involving sexual predators and sexual offenders failing to comply with registration requirements; ranking offenses involving sexual predators and sexual offenders failing to comply with registration requirements and other requirements; ranking new criminal offenses for failing to report or providing false information about a sexual predator and harboring or hiding a sexual predator; correcting a reference to the felony degree of a lewd or lascivious offense; amending s. 921.141, F.S.; providing an additional aggravating circumstance pertaining to sexual predators for the purpose of imposing the death penalty; amending s. 943.043, F.S.; requiring the Department of Law Enforcement to provide to local law enforcement agencies information on sexual predators and sexual offenders who fail to respond to address verification attempts or abscond from registration; amending s. 943.0435, F.S.; providing that it is a criminal offense to fail to report or to provide false information about a sexual offender or to harbor or hide a sexual offender; creating s. 943.04352, F.S.; requiring a search of the sexual offender and sexual predator registry by entities providing probation services; amending s. 944.607, F.S.; providing that it is a criminal offense to fail to report or to provide false information about a sexual offender or to harbor or hide a sexual offender; amending s. 947.1405, F.S.; requiring electronic monitoring for certain offenders placed on conditional release supervision; amending s. 948.012, F.S.; requiring the court to impose a split sentence in certain circumstances; creating s. 948.061, F.S.; requiring the Department of Corrections to develop a risk assessment and alert system to

monitor certain offenders placed on probation or community control; requiring increased supervision of such offenders under certain circumstances; requiring that information be provided to the court by the correctional probation officer; requiring the department to have fingerprint reading equipment and capability by October 1, 2006; creating s. 948.062, F.S.; requiring the Department of Corrections to review the circumstances of certain arrests of offenders on probation or community control; requiring the Office of Program Policy Analysis and Government Accountability to analyze the reviews and report to the President of the Senate and the Speaker of the House of Representatives; creating s. 948.063, F.S.; requiring the court to order electronic monitoring for designated sexual offenders and predators who violate probation or community control; amending s. 948.11, F.S.; requiring the department to develop and implement procedures to notify certain officials on the availability of electronic monitoring units; requiring the department to use certain electronic monitoring systems on high risk offenders; amending s. 948.15, F.S.; specifying that the terms of the contract must contain procedures for accessing criminal history records concerning probationers; amending s. 948.30, F.S.; requiring certain sex offenders and sexual predators on probation or community control to be placed on electronic monitoring; creating a task force within the Department of Law Enforcement; requiring the task force to examine the collection and dissemination of offender information within the criminal justice system and community; prescribing task force membership; requiring that the task force submit findings and recommendations to the Governor and the Legislature; requiring cooperation by state agencies; providing for abolishing the task force on a specified date; requiring the Office of Program Policy Analysis and Governmental Accountability to perform a study of and report to the Legislature on the effectiveness of Florida's sexual predator and sexual offender registries and community and public notification provisions; providing an appropriation; providing an effective date.

By the Committees on Justice Appropriations; Criminal Justice; and Senators Argenziano, Fasano and Klein—

**CS for CS for SB 1216**—A bill to be entitled An act relating to high-risk offenders; providing a short title; amending s. 775.21, F.S.; extending the period for a petition to remove a sexual predator designation; requiring the Department of Law Enforcement to develop procedures for twice yearly reporting by sexual predators; providing that it is a criminal offense to fail to report or to provide false information about a sexual predator or to harbor or hide a sexual predator; amending s. 775.082, F.S.; providing for specified sentencing of persons convicted of the life felony offense in s. 800.04(5)(b), F.S.; amending s. 800.04, F.S.; providing that it is a life felony for an offender 18 years of age or older to commit lewd or lascivious molestation against a victim younger than 12 years of age; amending s. 921.0022, F.S.; deleting ranking for offenses involving sexual predators and sexual offenders failing to comply with registration requirements; ranking offenses involving sexual predators and sexual offenders failing to comply with registration requirements and other requirements; ranking new criminal offenses for failing to report or providing false information about a sexual predator and harboring or hiding a sexual predator; correcting a reference to the felony degree of a lewd or lascivious offense; amending s. 921.141, F.S.; providing an additional aggravating circumstance pertaining to sexual predators for the purpose of imposing the death penalty; amending s. 943.043, F.S.; requiring the Department of Law Enforcement to provide to local law enforcement agencies information on sexual predators and sexual offenders who fail to respond to address verification attempts or abscond from registration; amending s. 943.0435, F.S.; providing that it is a criminal offense to fail to report or to provide false information about a sexual offender or to harbor or hide a sexual offender; requiring the department to develop procedures for twice yearly reporting of sexual offenders; creating s. 943.04352, F.S.; requiring a search of the sexual offender and sexual predator registry by entities providing probation services; amending s. 944.607, F.S.; providing that it is a criminal offense to fail to report or to provide false information about a sexual offender or to harbor or hide a sexual offender; requiring the Department of Law Enforcement to develop procedures for twice yearly reporting of sexual offenders; amending s. 947.1405, F.S.; requiring electronic monitoring for certain offenders placed on conditional release supervision; amending s. 948.012, F.S.; requiring the court to impose a split sentence in certain circumstances; creating s. 948.061, F.S.; requiring the Department of Corrections to develop a risk assessment system to monitor certain offenders placed on probation or community control; requiring increased supervision of such offenders under certain circumstances;

requiring that information be provided to the court by the correctional probation officer; requiring the court to assist the department by creating and maintaining an automated system; requiring the department to have fingerprint reading equipment and capability by October 1, 2006; creating s. 948.062, F.S.; requiring the Department of Corrections to review the circumstances of certain arrests of offenders on probation or community control; requiring the Office of Program Policy Analysis and Government Accountability to analyze the reviews and report to the President of the Senate and the Speaker of the House of Representatives; creating s. 948.063, F.S.; requiring the court to order electronic monitoring for designated sexual offenders and predators who violate probation or community control; amending s. 948.11, F.S.; requiring the department to develop and implement procedures to notify certain officials on the availability of electronic monitoring units; requiring the department to use certain electronic monitoring systems on high-risk offenders; amending s. 948.15, F.S.; specifying that the terms of the contract must contain procedures for accessing criminal history records concerning probationers; amending s. 948.30, F.S.; requiring certain sex offenders and sexual predators on probation or community control to be placed on electronic monitoring; creating a task force within the Department of Law Enforcement; requiring the task force to examine the collection and dissemination of offender information within the criminal justice system and community; prescribing task force membership; requiring that the task force submit findings and recommendations to the Governor and the Legislature; requiring cooperation by state agencies; providing for abolishing the task force on a specified date; requiring the Office of Program Policy Analysis and Governmental Accountability to perform a study of and report to the Legislature on the effectiveness of Florida's sexual predator and sexual offender registries and community and public notification provisions; providing appropriations and authorizing positions; providing an effective date.

By the Committee on Criminal Justice; and Senator Wise—

**CS for SB 1218**—A bill to be entitled An act relating to juvenile defendants; amending s. 27.51, F.S.; requiring that the public defender represent an indigent child taken into custody for a felony, misdemeanor, or criminal contempt; amending s. 27.52, F.S.; providing that failure of a child's parent or legal guardian to furnish legal services and costs does not bar the appointment of legal counsel for the child; amending s. 985.203, F.S.; requiring that a child be given a meaningful opportunity to confer with counsel; requiring that the court appoint counsel for an indigent child if the child's parent or legal guardian is the alleged victim in the case; providing that the parent or guardian is not liable for fees, charges, or costs upon a finding by the court that the parent or guardian is a victim of the offense; providing an effective date.

By the Committee on Criminal Justice; and Senators Wise, Fasano and Crist—

**CS for SB 1220**—A bill to be entitled An act relating to electronic monitoring; amending s. 648.387, F.S.; authorizing bail bond agents to be vendors of electronic monitoring services; authorizing bail bond agents to contract with vendors to provide electronic monitoring of pretrial releasees in certain circumstances; authorizing bail bond agents to contract with government entities to provide electronic monitoring services in certain circumstances; authorizing such agents to collect a fee for electronic monitoring services; providing that failure to make timely payment of fees constitutes grounds to remand; providing that such fees are exempt from regulation by the Department of Financial Services; creating s. 903.135, F.S.; authorizing issuance of a probation appearance bond; authorizing electronic monitoring of a person subject to a probation appearance bond; providing procedures for revocation of the bond; providing application; creating s. 907.06, F.S.; providing for electronic monitoring of persons on pretrial release; requiring the monitored person to pay fees; prohibiting a person being monitored from tampering with monitoring equipment; creating s. 907.07, F.S.; providing a means by which the chief judge of each circuit shall create a list of approved vendors for provision of electronic monitoring services; creating s. 907.08, F.S.; providing standards for privately owned electronic monitoring devices; creating s. 907.09, F.S.; providing criminal penalties for tampering with electronic monitoring devices; providing criminal penalties for cloning the signal of an electronic monitoring device; providing an effective date.

By the Committee on Children and Families; and Senators Fasano and Klein—

**CS for SB 1354**—A bill to be entitled An act relating to sexual offenders; amending ss. 947.005 and 948.001, F.S.; defining terms; amending ss. 947.1405 and 948.30, F.S.; prohibiting a sex offender from having contact with a child younger than 18; providing an exception; providing that the Parole Commission or a court may approve a sex offender having supervised contact with a child younger than 18 under specified conditions; directing the Department of Health to prepare and maintain a list of “qualified practitioners”; requiring a court and the commission to use qualified practitioners on the department list to prepare risk assessments; specifying that qualified practitioners must meet the rule requirements specified by their respective licensing boards; prohibiting a sex offender from accessing or using the Internet or other computer services without an approved safety plan; reenacting s. 775.21(3)(b), F.S., relating to the threat to public safety by sexual offenders, to incorporate the amendments made to s. 947.1405, F.S., in a reference thereto; providing an effective date.

By the Committee on Criminal Justice; and Senator Wise—

**CS for SB 1438**—A bill to be entitled An act relating to consumer services; amending s. 493.6101, F.S.; expanding the definition of the term “repossession” for purposes of the regulation of repossession services; amending s. 493.6102, F.S.; revising the applicability of ch. 493, F.S., governing private investigative, private security, and repossession services; amending s. 493.6110, F.S.; revising insurance requirements for licensure under ch. 493, F.S.; providing insurance requirements with respect to Class “B” security agencies; amending s. 493.6118, F.S.; revising the grounds for disciplinary action against a person or entity that is licensed as, or an applicant for licensure as, a recovery agency, recovery agent, or recovery agent intern; amending s. 493.6403, F.S.; revising licensure requirements for recovery agent managers and recovery agents, to conform; amending s. 493.6404, F.S.; revising requirements for the inventory of certain personal effects or property contained in or on repossessed property, to conform; amending s. 493.6405, F.S.; providing a penalty for the unauthorized sale of repossessed aircraft, personal watercraft, all-terrain vehicles, farm equipment, or industrial equipment by a recovery agent or recovery agent intern and for failure to remit the net proceeds from the sale of such repossessed property to the owner or lienholder; providing an effective date.

By the Committee on Judiciary; and Senator Lawson—

**CS for SB 1456**—A bill to be entitled An act relating to paternity; permitting a petition to set aside a determination of paternity; specifying contents of the petition; providing standards upon which relief shall be granted; providing remedies; providing that child support obligations shall not be suspended while a petition is pending; providing for genetic testing; providing for assessment of costs and attorney’s fees; providing an effective date.

By the Committees on Health and Human Services Appropriations; Health Care; and Senator Peadar—

**CS for CS for SB 1472**—A bill to be entitled An act relating to hospitals; amending s. 395.002, F.S.; redefining the term “hospital” to exclude designated critical access hospitals from certain requirements; redefining the term “intensive residential treatment programs for children and adolescents”; amending s. 395.003, F.S.; extending by 1 year the moratorium on approving additional emergency departments located off the premises of a licensed hospital; amending s. 408.061, F.S.; conforming a cross-reference; amending s. 408.07, F.S.; defining the term “critical access hospital”; redefining the term “rural hospital” to delete certain requirements applicable to the designation of a critical access hospital; amending ss. 458.345 and 459.021, F.S.; conforming cross-references; providing an effective date.

By the Committee on Regulated Industries; and Senator Clary—

**CS for SB 1492**—A bill to be entitled An act relating to condominiums; amending s. 718.301, F.S.; providing for the effect of actions taken by members of the board of administration of an association designated by the developer; requiring examination and certification of certain defects by certain licensed individuals or entities; providing an effective date.

By the Committee on General Government Appropriations; and Senator Garcia—

**CS for SB 1590**—A bill to be entitled An act relating to joint underwriters and reinsurers; amending s. 627.311, F.S.; providing requirements for the joint underwriting plan of insurers that operates as a nonprofit entity; requiring that the plan maintain its headquarters in Tallahassee; increasing the membership of the board of governors that oversees operation of the joint underwriting plan; authorizing the Financial Services Commission to remove a board member for cause; authorizing the board to select service providers competitively; requiring that the board provide notice of intent to solicit bids; requiring that the board provide for an annual review of the administrative costs of the plan and determine alternatives for procuring goods and services efficiently; requiring that the Office of Insurance Regulation review filings of the joint underwriting plan of workers’ compensation insurers; requiring that the office annually approve rates; deleting certain provisions limiting the disapproval of rates by the office; requiring that excess funds received by the plan be returned to the state; providing an effective date.

By the Committee on Regulated Industries; and Senator Fasano—

**CS for SB 1654**—A bill to be entitled An act relating to veterinary drug distribution; amending s. 499.006, F.S.; providing that a drug is adulterated if it is a certain prescription drug that has been returned by a veterinarian to a limited veterinary prescription drug wholesaler; amending s. 499.01, F.S.; requiring a limited veterinary prescription drug wholesaler to obtain a permit for operation from the Department of Health; providing that a permit for a limited veterinary prescription drug wholesaler may not be issued to the address of certain health care entities; amending s. 499.012, F.S.; establishing a permit for a limited veterinary prescription drug wholesaler; amending s. 499.0122, F.S.; redefining the term “veterinary legend drug retail establishment”; amending s. 499.041, F.S.; requiring the department to assess an annual fee within a certain monetary range for a limited veterinary prescription drug wholesaler permit; amending s. 499.065, F.S.; requiring the department to inspect each limited veterinary prescription drug wholesaler establishment; authorizing the department to determine that a limited veterinary prescription drug wholesaler establishment is an imminent danger to the public; providing an effective date.

By the Committee on Regulated Industries; and Senator Haridopolos—

**CS for SB 1694**—A bill to be entitled An act relating to swimming pool/spa contractors and service technicians; amending s. 489.105, F.S.; revising the scope of work for commercial and residential pool/spa contractors and swimming pool/spa servicing contractors; removing licensure exemptions; defining and establishing provisional licensure for swimming pool/spa servicing contractors; amending s. 489.111, F.S.; removing the 1-year experience requirement to qualify to take the swimming pool/spa servicing contractors’ examination; amending s. 514.075, F.S.; revising duties of the Department of Health; providing for public pools to be serviced by specified persons; revising certification requirements for public pool service technicians; amending s. 514.0115, F.S.; providing that private pools and water therapy facilities connected with licensed massage therapy establishments are exempt from supervision or regulation by the Department of Health; providing that a license is not required for the infusion of chlorine gas in residential swimming pools; providing an effective date.

By the Committee on General Government Appropriations; and Senator Dockery—

**CS for SB 1730**—A bill to be entitled An act relating to environmental permitting programs; creating s. 373.4143, F.S.; providing legislative intent; creating s. 373.4144, F.S.; providing for the consolidation of federal and state wetland permitting programs; providing duties of the Department of Environmental Protection; requiring a report to the Legislature and coordination with the Florida Congressional Delegation; amending s. 373.4145, F.S., and reenacting subsections (1)-(4) of that section, to continue the interim part IV permitting program for the Northwest Florida Water Management District; providing for the future repeal of the interim program; providing an effective date.

By the Committees on Community Affairs; and Commerce and Consumer Services—

**CS for CS for SB 1770**—A bill to be entitled An act relating to the Florida Enterprise Zone Act; amending s. 290.001, F.S.; revising the name of the act; amending s. 290.004, F.S.; deleting obsolete definitions; amending s. 290.0055, F.S.; revising procedures for counties or municipalities to nominate an area for designation as a new enterprise zone; deleting obsolete provisions; removing the authority for certain counties to nominate more than one enterprise zone; revising criteria for eligibility of an area for nomination by certain local governments for designation as an enterprise zone; revising procedures and requirements for amending enterprise zone boundaries; amending s. 290.0056, F.S.; deleting a requirement that a governing body appoint the board of an enterprise zone development agency by ordinance; revising requirements for making such appointments; deleting a requirement that a certificate of appointment of a board member be filed with the clerk of the county or municipality; deleting the requirement that an annual report by a board be published and available for inspection in the office of the municipal or county clerk; revising the powers and responsibilities of an enterprise zone development agency; providing additional responsibilities; revising certain reporting requirements; amending s. 290.0057, F.S.; specifying application of enterprise zone development plan requirements only to designations of new enterprise zones; amending s. 290.0058, F.S.; updating obsolete references; revising requirements for determining pervasive poverty in an area nominated as a rural enterprise zone; providing an exception for areas nominated for designation as a rural enterprise zone; amending s. 290.0065, F.S.; establishing the maximum number of enterprise zones allowed, subject to any new zones authorized by the Legislature; revising the procedure for designating a new enterprise zone if an existing zone is not redesignated; deleting a requirement that an application for designation as an enterprise zone be categorized by population; deleting obsolete provisions; authorizing the office to redesignate enterprise zones having an effective date on or before January 1, 2005; providing requirements and procedures; authorizing a governing body to request enterprise zone boundary changes; requiring the office to determine, in consultation with Enterprise Florida, Inc., the merits of enterprise zone redesignations; providing criteria; providing for an enterprise zone redesignation approval procedure; prohibiting an entity having jurisdiction over an area denied redesignation as an enterprise zone from reapplying for redesignation for 1 year; providing a redesignation procedure for zones authorized in conjunction with certain federal acts; providing requirements for an application for redesignation; deleting obsolete provisions; amending s. 290.0066, F.S.; providing that failure to make progress or failure to comply with measurable goals may be considered as grounds for revocation of an enterprise zone designation; amending s. 290.012, F.S.; providing a transition date that provides for a zone having an effective date on or before January 1, 2005, to continue to exist until December 21, 2005, and to expire on that date; requiring any zone designated or redesignated after January 1, 2006, to be designated or redesignated in accordance with the Florida Enterprise Zone Act; amending s. 290.014, F.S., to conform; amending s. 290.016, F.S.; delaying the repeal of the Florida Enterprise Zone Act; amending s. 163.345, F.S., to conform; amending ss. 166.231, 193.077, 193.085, 195.073, 196.012, 205.022, 205.054, and 212.02, F.S.; extending expiration dates with respect to various tax exemptions to conform provisions to changes made by the act; amending s. 212.08, F.S.; revising the procedures for applying for a tax exemption on building materials used to rehabilitate property located in an enterprise zone; deleting a limitation on claiming exemptions through a refund of previously paid taxes; extending an expiration date for the exemption; lowering the purchase threshold for an exemption for business property used in an enterprise

zone from \$5,000 per unit to \$500 per item; extending an expiration date for the exemption; deleting obsolete provisions governing the community contribution tax credit for donations, to conform; extending the expiration date of the tax credit for electrical energy used in an enterprise zone, to conform; amending s. 212.096, F.S.; extending the expiration date for the enterprise zone jobs tax credit, to conform; amending ss. 220.02 and 220.03, F.S.; extending the expiration date of the enterprise zone jobs tax credit against corporate income tax to conform to changes made by the act; revising definitions to extend the expiration date of the credit to conform; amending s. 220.181, F.S.; extending the expiration date of the tax credit, to conform; amending s. 220.182, F.S.; extending the expiration date of the enterprise zone property tax credit, to conform; amending s. 288.1175, F.S., to conform; amending s. 370.28, F.S.; providing that an enterprise zone having an effective date on or before January 1, 2005, shall continue to exist until December 21, 2005, and shall expire on that date; requiring that an enterprise zone in a community affected by net limitations which is redesignated after January 1, 2006, do so in accordance with the Florida Enterprise Zone Act; repealing s. 290.00555, F.S., relating to the designation of a satellite enterprise zone; repealing s. 290.0067, F.S., relating to an enterprise zone in Lake Apopka; repealing s. 290.00675, F.S., relating to a boundary amendment for the City of Brooksville in Hernando County; repealing s. 290.00676, F.S., relating to an amendment of certain rural enterprise zone boundaries; repealing s. 290.00678, F.S., relating to a designation of rural champion communities as enterprise zones; repealing s. 290.00679, F.S., relating to amendments to certain rural enterprise zone boundaries; repealing s. 290.0068, F.S., relating to the designation of an enterprise zone encompassing a brownfield pilot project; repealing s. 290.00685, F.S., relating to an application to amend boundaries of an enterprise zone containing a brownfield pilot project; repealing s. 290.00686, F.S., relating to the designation of enterprise zones in Brevard County and the City of Cocoa; repealing s. 290.00687, F.S., relating to the designation of an enterprise zone in Pensacola; repealing s. 290.00688, F.S., relating to the designation of an enterprise zone in Leon County; repealing s. 290.00689, F.S., relating to the designation of a pilot project in an enterprise zone; repealing s. 290.0069, F.S., relating to the designation of an enterprise zone in Liberty County; repealing s. 290.00691, F.S., relating to the designation of an enterprise zone in Columbia County and Lake City; repealing s. 290.00692, F.S., relating to the designation of an enterprise zone in Suwannee County and Live Oak; repealing s. 290.00693, F.S., relating to the designation of an enterprise zone in Gadsden County; repealing s. 290.00694, F.S., relating to the designation of an enterprise zone in Sarasota County and Sarasota; repealing s. 290.00695, F.S., relating to the designation of enterprise zones in Hernando County and Brooksville; repealing s. 290.00696, F.S., relating to the designation of an enterprise zone in Holmes County; repealing s. 290.00697, F.S., relating to the designation of an enterprise zone in Calhoun County; repealing s. 290.00698, F.S., relating to the designation of an enterprise zone in Okaloosa County; repealing s. 290.00699, F.S., relating to the designation of an enterprise zone in Hillsborough County; repealing s. 290.00701, F.S., relating to the designation of an enterprise zone in Escambia County; repealing s. 290.00702, F.S., relating to the designation of enterprise zones in Osceola County and the City of Kissimmee; repealing s. 290.00703, F.S., relating to the designation of an enterprise zone in South Daytona; repealing s. 290.00704, F.S., relating to the designation of an enterprise zone in Lake Wales; repealing s. 290.00705, F.S., relating to the designation of an enterprise zone in Walton County; repealing s. 290.00706, F.S., relating to the designation of enterprise zones in Miami-Dade County and the City of West Miami; repealing s. 290.00707, F.S., relating to the designation of an enterprise zone in Hialeah; repealing s. 290.00708, F.S., relating to a boundary amendment in an enterprise zone within a consolidated government; repealing s. 290.00709, F.S., relating to a boundary amendment in an enterprise zone within an inland county; repealing s. 290.009, F.S., relating to the Enterprise Zone Interagency Coordinating Council; repealing s. 290.015, F.S., relating to an evaluation and review of the enterprise zone program; authorizing the continuation of tax credits; providing an effective date.

By the Committees on General Government Appropriations; Governmental Oversight and Productivity; Regulated Industries; and Senators Clary and Crist—

**CS for CS for CS for SB 1784**—A bill to be entitled An act relating to professional services acquisition; amending s. 287.055, F.S.; revising certain definitions; defining the term “negotiate”; providing additional

criteria for processing bids to purchase professional services which exceed certain threshold amounts; amending s. 287.17, F.S.; revising the limitation on the use of state aircraft; providing an effective date.

By the Committee on General Government Appropriations; and Senator Alexander—

**CS for SJR 1870**—A joint resolution proposing the creation of a new section in Article X of the State Constitution relating to the Florida Hurricane Catastrophe Fund.

By the Committee on Transportation; and Senator Baker—

**CS for SB 1814**—A bill to be entitled An act relating to franchised motor vehicle dealers; amending s. 320.13, F.S.; specifying a definition for purposes of provisions for issuance of dealer license plates; amending s. 320.60, F.S.; revising the definition of the term “demonstrator”; defining the term “existing franchised motor vehicle dealer”; amending s. 320.64, F.S.; prohibiting applicant or licensee failure to pay certain costs and amounts to a dealer after termination of franchise; providing that the prohibition does not apply to terminations, cancellations, or non-renewals implemented as a result of the sale of assets or stock of the dealer; requiring that certain procedures be followed; amending s. 320.641, F.S.; providing procedures for discontinuation, cancellation, nonrenewal, modification, or replacement of a franchise agreement based upon an alleged failure of the dealer to comply with certain sales or service obligations; amending s. 320.642, F.S.; revising criteria and procedures to establish an additional dealership or relocate an existing dealer in an area where the same line-make vehicle is presently represented; revising provisions for determination by the Department of Highway Safety and Motor Vehicles that the existing franchised motor vehicle dealer or dealers are providing adequate representation; revising criteria for protest by an existing dealer; revising provisions excluding certain openings and reopenings from consideration as an additional or relocated motor vehicle dealer; prohibiting notice of an additional dealer for a certain period of time within a certain distance from a dealer that was opened or reopened and not considered an additional dealer subject to protest; requiring distance between sites to be measured from the geometric centroid of each site; amending s. 320.643, F.S.; exempting a transferee from location requirements in the franchise agreement when the transferee proposes to simultaneously relocate dealership operations in conjunction with the purchase of the dealership under certain circumstances; providing requirements for such proposals; amending s. 320.699, F.S.; revising procedures for administrative hearings; requiring a certain schedule unless extended by the administrative law judge under certain conditions; providing an effective date.

By the Committees on Health and Human Services Appropriations; Health Care; and Senators Saunders, Fasano, King, Smith, Rich, Dockery and Wise—

**CS for CS for SB's 1872 and 2378**—A bill to be entitled An act relating to biomedical research; providing legislative intent; amending s. 20.435, F.S.; authorizing use of funds in the Biomedical Research Trust Fund administered by the Department of Health for the purposes of the Florida Center for Universal Research to Eradicate Disease; amending s. 561.121, F.S.; redistributing certain funds collected from taxes on alcoholic beverages; amending s. 381.855, F.S.; revising the purpose of the Florida Center for Universal Research to Eradicate Disease; requiring the center to provide grants for cancer research and Alzheimer's disease research; revising membership of the center's advisory council; providing procedures for the awarding of grants for cancer research and Alzheimer's disease research; amending s. 381.921, F.S.; revising a goal of the Florida Cancer Council; amending s. 1004.445, F.S.; renaming the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute as the “Ronald Reagan Alzheimer's Center and Research Institute”; providing an effective date.

By the Committee on Transportation; and Senators Alexander and Hill—

**CS for SB 1874**—A bill to be entitled An act relating to farm labor vehicles; amending s. 316.003, F.S.; revising and providing definitions; repealing s. 316.620, F.S., relating to transportation of migrant farm workers; creating s. 316.622, F.S.; requiring owners and operators of farm labor vehicles to conform such vehicles to certain standards; requiring seat belts at each passenger position in certain vehicles; requiring certain operators to display a certain sticker on the vehicle; requiring a certain sign to be displayed in the vehicle; providing a penalty; amending ss. 320.38, 322.031, and 450.181, F.S.; conforming provisions; amending s. 450.28, F.S.; revising a definition; amending s. 450.33, F.S.; conforming a cross-reference; requiring the department to issue a vehicle authorization sticker denoting the authorization of a vehicle for use in the transportation of farm workers; requiring the display of the sticker; providing an effective date.

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

**CS for SB 1836**—A bill to be entitled An act relating to assisted care communities; creating ch. 429, F.S., and transferring pt. III of ch. 400, F.S., relating to assisted living facilities, to pt. I of ch. 429, F.S., and pt. VII of ch. 400, F.S., relating to adult family-care homes, to pt. II of ch. 429, F.S., and pt. V of ch. 400, F.S., relating to adult day care centers, to pt. III of ch. 429, F.S.; amending ss. 101.655, 189.428, 196.1975, 202.125, 205.1965, 212.031, 212.08, 296.02, 381.0035, 394.455, 394.4574, 394.463, 400.0063, 400.0069, 400.0073, 400.0077, 400.0239, 400.119, 400.141, 400.142, 400.191, 400.215, 400.23, 400.232, 400.401, 400.402, 400.404, 400.407, 400.408, 400.411, 400.412, 400.414, 400.415, 400.417, 400.4174, 400.4176, 400.4177, 400.4178, 400.418, 400.419, 400.4195, 400.42, 400.421, 400.422, 400.423, 400.424, 400.4255, 400.4256, 400.426, 400.427, 400.4275, 400.428, 400.429, 400.4293, 400.4294, 400.4295, 400.4296, 400.4297, 400.431, 400.434, 400.441, 400.442, 400.444, 400.4445, 400.447, 400.451, 400.452, 400.453, 400.462, 400.464, 400.497, 400.55, 400.551, 400.552, 400.553, 400.554, 400.555, 400.556, 400.5565, 400.557, 400.5571, 400.5572, 400.5575, 400.558, 400.559, 400.56, 400.562, 400.563, and 400.564, 400.601, 400.616, 400.617, 400.618, 400.619, 400.6194, 400.6196, 400.621, 400.6211, 400.622, 400.625, 400.6255, 400.628, 400.629, 400.93, 400.962, 400.980, 400.9905, 400.9935, 401.23, 402.164, 408.033, 408.831, 409.212, 409.907, 410.031, 410.034, 415.1111, 430.601, 430.703, 435.03, 435.04, 440.13, 456.0375, 465.0235, 468.505, 477.025, 509.032, 509.241, 627.732, 651.011, 651.022, 651.023, 651.055, 651.095, 651.118, 765.1103, 765.205, 768.735, and 943.0585, F.S.; conforming references to changes made by the act; providing a directive to the Division of Statutory Revision to make necessary conforming changes to the Florida Statutes; providing an effective date.

By the Committee on Environmental Preservation; and Senators Dockery and Villalobos—

**CS for SB 1906**—A bill to be entitled An act relating to reuse and recycling; creating s. 403.7047, F.S.; prohibiting franchises or contracts for exclusive collections of construction and demolition debris under certain circumstances; creating s. 403.71853, F.S.; authorizing the Department of Environmental Protection to implement a pilot project to encourage the reuse or recycling of campaign signs; authorizing the use of funds from the Solid Waste Management Trust Fund; authorizing grants to large and small counties; providing for the purpose of the grants; providing an effective date.

By the Committee on Judiciary; and Senators Dockery, Fasano, Webster, Bullard, Peaden, Lawson, King, Garcia, Haridopolos, Diaz de la Portilla, Saunders, Pruitt, Wise, Alexander, Atwater, Lynn, Argenziano, Jones, Bennett, Sebesta, Baker and Villalobos—

**CS for SB 1908**—A bill to be entitled An act relating to the termination of pregnancies; repealing s. 390.01115, F.S., relating to the Parental Notice of Abortion Act; creating s. 390.01114, F.S.; creating the Parental Notice of Abortion Act; providing a short title; defining terms; prohibiting the performing or inducement of a termination of pregnancy upon a minor without specified notice; providing disciplinary action for violation; prescribing notice requirements; providing exceptions; prescribing

a procedure for judicial waiver of notice; providing for notice of right to counsel; providing for issuance of a court order authorizing consent to a termination of pregnancy without notification; providing for dismissal of petitions; requiring the issuance of written findings of fact and legal conclusions; providing for expedited appeal; providing for waiver of filing fees and court costs; precluding assumption of certain expenses by counties; requiring the Supreme Court to adopt rules; requiring the Supreme Court to report annually to the Governor and the Legislature; providing an effective date.

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

**CS for SB 1910**—A bill to be entitled An act relating to workforce innovation; amending s. 445.048, F.S.; requiring that Workforce Florida, Inc., expand the Passport to Economic Progress demonstration program to a statewide program; authorizing Workforce Florida, Inc., to designate regional workforce boards to participate in the program; deleting the provision relating to the disregarding of income for purposes of determining eligibility for cash assistance; requiring that Workforce Florida, Inc., offer incentive bonuses; providing requirements for the incentive bonuses; providing that the bonuses are not an entitlement; deleting obsolete provisions; requiring Workforce Florida, Inc., to submit evaluations and recommendations for the program as part of its annual report to the Legislature; deleting obsolete provisions; providing an effective date.

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By the Committees on Transportation and Economic Development Appropriations; Children and Families; and Senator King—

**CS for CS for SB 1910**—A bill to be entitled An act relating to workforce innovation; amending s. 445.048, F.S.; requiring that Workforce Florida, Inc., expand the Passport to Economic Progress demonstration program to a statewide program; authorizing Workforce Florida, Inc., to designate regional workforce boards to participate in the program; deleting the provision relating to the disregarding of income for purposes of determining eligibility for cash assistance; requiring that Workforce Florida, Inc., offer incentive bonuses; providing requirements for the incentive bonuses; providing that the bonuses are not an entitlement; deleting obsolete provisions; requiring Workforce Florida, Inc., to submit evaluations and recommendations for the program as part of its annual report to the Legislature; deleting obsolete provisions; creating the Florida Youth Summer Jobs Pilot Program; providing eligibility requirements for program participants and public employers; requiring the program to be administered by a regional workforce board in consultation with Workforce Florida, Inc.; providing employment and educational requirements; requiring the regional workforce board to make an annual report; providing certain uses for program funds; providing an effective date.

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By the Committee on Criminal Justice; and Senator Argenziano—

**CS for SB 1914**—A bill to be entitled An act relating to juvenile justice; amending s. 985.407, F.S.; revising employee-screening procedures of the Department of Juvenile Justice; requiring the department to provide fingerprint information to the Department of Law Enforcement and pay an annual fee; providing an effective date.

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By the Committee on Ethics and Elections; and Senators Posey and Sebesta—

**CS for SB's 1944 and 2008**—A bill to be entitled An act relating to ethics for public officers and employees; amending s. 104.31, F.S.; prohibiting employees of the state and its political subdivisions from participating in a political campaign during certain time periods; amending s. 112.313, F.S.; prohibiting certain disclosures by a former public officer, agency employee, or local government attorney; redefining the term "employee" to include certain other-personal-services employees for certain postemployment activities; providing an exemption from provisions prohibiting conflicts in employment to a person who, after serving on an advisory board, files a statement with the Commission on Ethics relating to a bid or submission; amending s. 112.3144, F.S.; specifying how

assets valued in excess of \$1,000 are to be reported by a reporting individual; amending s. 112.3145, F.S.; requiring that a delinquency notice be sent to certain officeholders by certified mail, return receipt requested; revising certain filing deadlines; revising the grounds to appeal a fine; amending s. 112.3147, F.S.; deleting certain provisions relating to reporting the value of assets; amending s. 112.3148, F.S.; providing requirements for persons who have left office or employment as to filing a report relating to gifts; amending s. 112.3149, F.S.; requiring that a report of honoraria by a person who left office or employment be filed by a specified date; amending s. 112.317, F.S.; authorizing the commission to recommend a restitution penalty be paid to the agency or the General Revenue Fund; authorizing the Attorney General to recover costs for filing suit to collect penalties and fines; deleting provisions imposing a penalty for the disclosure of information concerning a complaint or an investigation; amending 112.3185, F.S.; providing additional standards for state agency employees relating to procurement of goods and services by a state agency; authorizing an employee whose position was eliminated to engage in certain contractual activities; prohibiting former employees from certain specified activities; amending s. 112.3215, F.S.; requiring the commission to adopt a rule detailing the grounds for waiving a fine and the procedures when a lobbyist fails to timely file his or her report; requiring automatic suspension of a lobbyist's registration if the fine is not timely paid; amending s. 112.322, F.S.; authorizing travel and per diem expenses for certain witnesses; amending s. 112.324, F.S.; providing procedures for the commission to handle complaints of violations; amending s. 914.21, F.S.; redefining the terms "official investigation" and "official proceeding," for purposes of provisions relating to tampering with witnesses, to include an investigation by the Commission on Ethics; providing an effective date.

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By the Committees on Children and Families; Criminal Justice; and Senator Crist—

**CS for CS for SB 1978**—A bill to be entitled An act relating to juvenile justice; amending s. 985.03, F.S.; redefining terms relating to juvenile justice; redefining the terms "day treatment" and "restrictiveness level"; amending s. 985.207, F.S.; clarifying when a child who escapes from commitment may be taken into custody by a law enforcement officer; amending s. 985.208, F.S.; clarifying when the Department of Corrections may take a child who is believed to have escaped from a facility of the department into custody; amending s. 985.231, F.S.; incorporating newly defined terms to clarify the terms of a child's commitment; providing for the maximum length of a minimum-risk, nonresidential commitment for a child who commits a second-degree misdemeanor; providing that the department or a provider report quarterly to the court the child's progress with his or her treatment plan; conforming a cross-reference; amending s. 985.2311, F.S.; requiring parents to pay the costs of supervision related to minimum-risk, nonresidential commitment to the department; amending s. 985.316, F.S.; providing for assessment by the department of the need of juveniles in residential commitment for conditional release services; repealing s. 985.403, F.S., relating to the Task Force on Juvenile Sexual Offenders and their Victims; requiring the department to create a task force on juvenile sexual offenders and their victims; providing for membership, powers, duties, and dissolution of the task force; requiring a written report; directing the Department of Juvenile Justice to provide administrative support; prohibiting certain compensation or reimbursement of task force members; requiring the Department of Juvenile Justice to create a task force to study certification for juvenile justice provider staff; providing for membership, powers, duties and dissolution of the task force; requiring a written report; directing the department to provide administrative support; prohibiting certain compensation or reimbursement of task force members; amending s. 985.4135, F.S.; providing that membership of juvenile justice county councils or circuit boards may, rather than must, include certain entities; amending ss. 784.075, 985.231, 985.31, and 985.3141, F.S.; conforming cross-references; providing an effective date.

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By the Committee on Health Care; and Senator Garcia—

**CS for SB 1994**—A bill to be entitled An act relating to Medicaid; amending s. 409.906, F.S.; authorizing the Agency for Health Care Administration to pay for certain visual services prescribed to Medicaid recipients regardless of age; amending s. 409.907, F.S.; requiring a hospital that is licensed in this state and is owned in whole or in part by a

municipality or county to collect specified information when purchasing or contracting for medical supplies from a vendor; requiring the hospital to exercise a contracting preference for vendors that use the greater number of employees residing in this state under certain circumstances; providing an effective date.

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By the Committee on Criminal Justice; and Senator Baker—

**CS for SB 2056**—A bill to be entitled An act relating to career offender and murderer registration; amending s. 775.13, F.S.; exempting a murderer who has registered under another provision of law from certain registration requirements; amending s. 775.26, F.S.; providing legislative intent relating to registration of murderers and public notification; amending s. 775.261, F.S.; providing a short title; defining the terms “murder” and “murderer” for purposes of the registration of persons convicted of murder; providing criteria for the registration of persons convicted of murder; providing exemptions; requiring the clerk of court to secure and distribute fingerprints of a convicted murderer who is not sentenced to prison; requiring a person convicted of murder to register with the Department of Corrections; requiring the person to provide certain information; requiring the sheriff to secure and distribute a photo and fingerprints of a registered murderer; requiring the Department of Highway Safety and Motor Vehicles to forward certain of the information provided by a registered murderer to the Department of Corrections; providing for notice, to law enforcement officials, of the residence of a registered murderer by the Department of Corrections; providing criminal penalties for a murderer who fails to provide certain information regarding residence; providing for the Department of Corrections to adopt guidelines governing registration as a murderer and dissemination of information regarding a murderer; providing for removal of a person from classification as a murderer; authorizing a law enforcement agency to notify the community that a person convicted of murder is present in the community; requiring the department to develop a system to verify the address of persons convicted of murder; providing that a person convicted of murder commits a felony of the third degree if he or she fails to register or otherwise violates the act; specifying the locations in which a person convicted of murder may be prosecuted for violations of the act; amending s. 944.608, F.S.; defining the term “murderer”; requiring the clerk of court to collect, and distribute to the Department of Corrections, the fingerprints of a murderer who is not sentenced to prison; providing for registration of a murderer who is not incarcerated; requiring a registered murderer to provide certain information; directing the department to compile information relating to registered murderers; providing for distribution of information compiled by the department to the Department of Law Enforcement; providing that a murderer who violates the section commits a felony of the third degree; amending s. 944.609, F.S.; defining the term “murderer”; providing legislative intent; directing the Department of Corrections to provide information regarding a murderer who is being released from incarceration to certain law enforcement officials and other persons; authorizing a law enforcement agency to notify the community that a murderer is present in the community; providing an effective date.

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

**CS for SB 2070**—A bill to be entitled An act relating to communications services; providing a short title; specifying the period during which the actual cost of operating a substitute communications system is exempt from such taxes; creating the Communications Service Tax Task Force; providing for the membership of the task force; providing a purpose; providing for staffing and administrative support; requiring a report to the Governor and the Legislature; amending s. 202.11, F.S.; providing that the definition of sales price for purposes of communication services tax does not include specified charges for Internet access services; amending s. 202.26, F.S.; prescribing methods of record keeping relating to bundled sales; amending s. 212.02, F.S.; providing that the definition of sales price for purposes of sales tax does not include specified charges for Internet access services; amending s. 202.13, F.S.; prescribing methods of record keeping relating to bundled sales; providing an effective date.

By the Committee on Communications and Public Utilities; and Senators Constantine, Bennett, Campbell, Baker, King, Alexander, Crist, Wise, Posey, Rich, Villalobos, Hill, Haridopolos, Dawson and Bullard—

**CS for SB’s 2072 and 1714**—A bill to be entitled An act relating to local governments; providing definitions; providing for notice of public hearings to consider whether the local government will provide a communications service; requiring a governmental entity to consider certain factors before a communications service is provided; requiring a local government to make available a written business plan; providing criteria for the business plan; setting pricing standards; providing for accounting and books and records; requiring the governmental entity to establish an enterprise fund; requiring the governmental entity to maintain separate operating and capital budgets; limiting the use of eminent-domain powers; requiring compliance with certain federal and state laws; requiring local government to treat itself the same as it treats other providers of similar communications services; requiring a local government provider of communications services to follow the same prohibitions as other providers of the same services; providing for severability; providing an effective date.

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By the Committee on Transportation; and Senator Sebesta—

**CS for SB 2082**—A bill to be entitled An act relating to driver licenses and identification cards; amending ss. 318.15 and 322.29, F.S.; providing for a reinstatement charge rather than a service charge for issuing a person’s driver’s license after reinstatement of his or her license and driving privilege; conforming provisions to changes made by the act; amending s. 322.02, F.S.; deleting legislative findings and intent with respect to the delivery of limited driver license services by county tax collectors; repealing s. 322.135, F.S., relating to the authority of the Department of Highway Safety and Motor Vehicles to designate tax collectors to act as its agents; creating s. 322.136, F.S.; requiring that the department, by a specified date, contract with a person or entity for the provision of specified driver license services; providing for an authorized agent of the department to charge a service fee for each transaction; prohibiting a service fee for certain specified services; requiring that employees of an authorized agent maintain the confidentiality of personal information as required by law; requiring authorized agents to post a bond; requiring that the department establish a quality assurance unit to monitor the authorized agents; requiring an annual report to the executive branch and legislative branch of government; providing effective dates.

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By the Committees on Regulated Industries; Community Affairs; and Senator Bennett—

**CS for CS for SB 2302**—A bill to be entitled An act relating to local government land development requirements; creating s. 163.3219, F.S.; providing legislative findings, declarations, and intent relating to local government impact fees; requiring impact fees to be based upon certain available data; requiring a credit against impact fees for certain taxes, fees, assessments, liens, charges, or payments; providing criteria; specifying a time period before collecting an impact fee or fee increase; prohibiting application of an impact fee to certain building permits; requiring independent certified public accountants who conduct audits of local governments to report certain information in accordance with generally accepted accounting principles relating to impact fees; requiring audit report statements concerning compliance from certified public accountants; limiting imposition of administrative fees; requiring refund of an impact fee under certain circumstances; providing for the distribution of impact fees collected within an incorporated area; providing criteria for payment of impact fees; authorizing a local government to establish a schedule of payments; providing an exception; exempting existing impact fees from application of the act; providing an effective date.

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By the Committee on Regulated Industries; and Senator Haridopolos—

**CS for SB 2346**—A bill to be entitled An act relating to funeral and cemetery industry regulation; amending s. 316.1974, F.S.; providing for lighting equipment on certain non-law enforcement vehicles in a funeral procession; amending s. 497.005, F.S.; revising definitions; amending s.

497.101, F.S.; providing for eligibility for membership on the Board of Funeral, Cemetery, and Consumer Services; providing rulemaking authority regarding application for board membership; amending s. 497.103, F.S.; revising authority of the Department of Financial Services to take emergency action; limiting the authority of the Chief Financial Officer; amending s. 497.140, F.S.; revising the time period for board reaction to department revenue projections; providing for future termination of certain assessments; providing for a late-renewal fee; amending s. 497.141, F.S.; revising licensure application procedures to provide for persons other than natural persons; clarifying when licenses may be issued to entities and to natural persons; clarifying the types of entities to which licenses may be issued; providing signature requirements; authorizing the licensing authority to adopt rules; restricting assignment or transfer of license; amending s. 497.142, F.S.; revising fingerprinting requirements; eliminating obsolete references; clarifying requirements as to disclosure of previous criminal records; revising which members of an entity applying for licensure are required to disclose their criminal records; providing for waiver of the fingerprint requirements in certain circumstances; amending s. 497.143, F.S.; prohibiting preneed sales under a limited license; amending s. 497.144, F.S.; requiring a challenger to pay the costs for failure to appear at a challenge hearing; amending s. 497.149, F.S.; revising terminology; amending s. 497.151, F.S.; revising applicability; specifying what is deemed to be a complaint; amending s. 497.152, F.S.; revising disciplinary provisions; revising applicability in other jurisdictions; revising certain grounds for disciplinary action; specifying what is deemed to be a complaint; providing exceptions to remittance deficiency disciplinary infractions; amending s. 497.153, F.S.; providing for the use of consent orders in certain circumstances; amending s. 497.158, F.S.; revising fine amounts; amending s. 497.159, F.S.; revising criminal provisions relating to prelicensure examinations, willful obstruction, trust funds, and specified violations; providing penalties; revising what constitutes improper discrimination; amending s. 497.161, F.S.; removing a provision allowing board members to serve as experts in investigations; specifying standing of licensees to challenge rules; amending s. 497.165, F.S.; revising a standard for determining liability for a trust fund deficiency; amending s. 497.166, F.S.; specifying who may act as a preneed sales agent; providing responsibility of certain licensees; amending s. 497.169, F.S.; revising a provision for award of attorney's fees and costs in certain actions; creating s. 497.171, F.S.; providing requirements for the identification of human remains; amending s. 497.260, F.S.; revising what constitutes improper discrimination by cemeteries; amending s. 497.263, F.S.; revising the applicability of certain application procedures for licensure of cemetery companies; amending s. 497.264, F.S.; revising requirements relating to applicants seeking to acquire control of a licensed cemetery; amending s. 497.281, F.S.; revising requirements for licensure of burial rights brokers; amending s. 497.365, F.S.; requiring that certain fees be paid before an inactive license is renewed; amending s. 497.368, F.S.; revising grounds for issuance of licensure as an embalmer by examination; amending s. 497.369, F.S.; revising grounds for issuance of licensure as an embalmer by endorsement; amending s. 497.373, F.S.; revising grounds for issuance of licensure as a funeral director by examination; amending s. 497.374, F.S.; revising grounds for issuance of licensure as a funeral director by endorsement; amending s. 497.376, F.S.; revising authority to issue a combination license as a funeral director and embalmer; authorizes the licensing authority to establish certain rules; amending s. 497.378, F.S.; revising a license renewal fee; amending s. 497.380, F.S.; revising certain requirements for funeral establishments; providing requirements for reporting a change in location of the establishment; revising a license renewal fee; amending s. 497.385, F.S.; revising application requirements for licensure of a removal service or a refrigeration service; providing requirements for change in location of removal services and refrigeration services; authorizing the licensing authority to adopt certain rules for centralized embalming facility operations; revising application requirements for licensure of a centralized embalming facility; providing for inspection of centralized embalming facilities; providing for change in ownership and change in location of centralized embalming facilities; amending s. 497.453, F.S.; revising net worth requirements for preneed licensure; specifying authority to accept alternative evidence of financial responsibility in lieu of net worth regarding preneed licensure applicants; providing preneed license renewal fees for monument establishments; increasing the renewal fee for a branch license which is set by the Board of Funeral, Cemetery, and Consumer Services; revising grounds for issuance of a preneed branch license; amending s. 497.456, F.S.; revising use of the Preneed Funeral Contract Consumer Protection Trust Fund by the licensing authority; amending s. 497.458, F.S.; revising requirements to loan or invest trust

funds; amending s. 497.466, F.S., relating to preneed sales agents; substantially revising provisions relating to licensure requirements; revising application procedures, fees, the issuance of a temporary preneed sales agent license, the conversion of such a license to a permanent preneed sales agent license, restrictions upon an applicant who has a criminal or disciplinary record, termination of a permanent license due to lack of appointments, procedures for appointing preneed sales agents and for renewing such an appointment, termination of appointments, fees, and administrative matters; providing responsibilities of preneed licensees for preneed sales agents; creating s. 497.468, F.S.; providing for disclosure of information to the public; amending s. 497.550, F.S.; revising application requirements and procedures for licensure as a monument establishment; requiring that a monument establishment be licensed as a monument builder or as a monument dealer; exempting a monument dealer from a requirement to maintain certain facilities and from certain inspection requirements; requiring that a monument establishment obtain licensure as a monument builder in order to be eligible for a preneed sales license; amending s. 497.551, F.S.; revising requirements for renewal of monument establishment licensure; amending s. 497.552, F.S.; revising facility requirements for monument establishments; amending s. 497.553, F.S.; providing requirements for change of ownership and location of monument establishments; providing for an annual inspection fee; amending s. 497.554, F.S.; revising application procedure and renewal requirements for monument establishment sales representatives; deferring application of section; amending s. 497.555, F.S.; revising requirements for rules establishing minimum standards for access to cemeteries; amending s. 497.602, F.S.; revising application procedures for direct disposer licensure; amending s. 497.603, F.S.; revising the license renewal fee for a direct disposer; amending s. 497.604, F.S.; revising provisions concerning direct disposal establishment licensure and application for licensure and regulation of direct disposal establishments; amending s. 497.606, F.S.; revising provisions concerning cinerator facility licensure and application for licensure and regulation of cinerator facilities; amending s. 497.607, F.S.; providing for publication of rules regarding cremation by chemical means; amending s. 152, ch. 2004-301, Laws of Florida; specifying applicability of rules; amending s. 626.785, F.S.; revising a policy coverage limit; repealing s. 497.275, F.S., relating to identification of human remains in licensed cemeteries; repealing s. 497.388, F.S., relating to identification of human remains; repealing s. 497.556, F.S., relating to requirements relating to monument establishments; providing an effective date.

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By the Committee on Environmental Preservation; and Senator Argenziano—

**CS for SB 2368**—A bill to be entitled An act relating to minimum flows and levels of surface watercourses; amending s. 373.042, F.S.; deleting a provision under which second magnitude springs are not included on the priority list under certain conditions; requiring the Suwannee River Water Management District and the Southwest Florida Water Management District to establish minimum flows and levels for certain magnitude springs by a certain date; providing that such minimum flows and levels are not subject to independent peer review; requiring that a minimum flow or level take effect notwithstanding the filing of a petition for an administrative hearing; amending s. 373.59, F.S.; authorizing the Suwannee River Water Management District and the Southwest Florida Water Management District to use money from the Water Management Lands Trust Fund for the purpose of establishing minimum flows or levels for first and second magnitude springs; providing an effective date.

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By the Committee on Environmental Preservation; and Senator Clary—

**CS for SB 2426**—A bill to be entitled An act relating to beach safety; amending s. 380.276, F.S.; revising the provisions for the placement of uniform warning and safety flags at public beaches; prohibiting the display of flags not specifically developed by the Department of Environmental Protection; revising liability provisions; authorizing the department to develop and distribute information and materials related to beach safety; providing an effective date.

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By the Committee on Regulated Industries; and Senator Bullard—

**CS for SB 2432**—A bill to be entitled An act relating to cardrooms; amending s. 849.086, F.S.; revising definitions to include dominoes as an authorized game and to allow games other than card games to be played in cardrooms; authorizing rulemaking relating to poker and dominoes by the Division of Pari-mutuel Wagering of the Department of Business and Professional Regulation; providing for supervision of dominoes games at a cardroom; limiting wagering related to authorized games; providing an effective date.

By the Committee on Education; and Senator Lynn—

**CS for SB 2478**—A bill to be entitled An act relating to for-hire bus drivers; creating s. 125.5805, F.S.; requiring counties to adopt ordinances relating to registration of drivers who transport school students for hire; providing specified qualifications, including background screening and commercial driver licensure; providing for applicability; providing an effective date.

By the Committee on Community Affairs; and Senator Clary—

**CS for SB 2490**—A bill to be entitled An act relating to small scale comprehensive plan amendments in an area designated as a rural area of critical economic concern; amending s. 163.3187, F.S.; including an area that is designated as a rural area of critical economic concern in an exemption for certain small scale amendments from a limit on the frequency of amendments to the comprehensive plan of a county or a municipality; increasing various acreage limitations governing eligibility for such exemption for a small scale amendment within such an area; authorizing a small scale amendment for property within such an area which involves a site that is near to, and owned by the same person as, property that was the subject of a recent comprehensive plan amendment; amending s. 380.06, F.S.; increasing certain guidelines and standards for development in a county that shares a common border with more than three counties that have been redesignated as a rural area of critical economic concern; providing an effective date.

By the Committee on Transportation; and Senator Constantine—

**CS for SB 2516**—A bill to be entitled An act relating to highway safety; amending s. 316.650, F.S.; requiring the printed traffic citation form to have a box for failing to stop at a traffic signal; amending s. 318.18, F.S.; revising the penalty for a moving violation of a traffic control signal showing a steady red indication; providing for distribution of moneys collected; amending s. 318.21, F.S.; providing for distribution of specified civil penalties; amending s. 322.0261, F.S.; requiring a driver improvement course for a second moving violation of a traffic control signal showing a steady red indication within a specified time period; providing a penalty for failure to complete such course within a specified time period; amending s. 322.27, F.S.; assigning a point value for conviction of a moving violation of a traffic control signal showing a steady red indication; correcting a cross-reference relating to assessment of points for litter violations; creating s. 395.4036, F.S.; providing for distribution of funds to trauma centers; providing for audits and attestations; providing an effective date.

By the Committee on Education; and Senator Wise—

**CS for SB 2550**—A bill to be entitled An act relating to assistive technology devices and services; requiring interagency agreements to ensure that assistive technology devices be retained for use by a person with disabilities as he or she makes certain transitions; providing an effective date.

**MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS**

**EXECUTIVE APPOINTMENTS SUBJECT TO CONFIRMATION BY THE SENATE:**

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

<i>Office and Appointment</i>	<i>For Term Ending</i>
Barbers' Board Appointee: White, Herman, Pensacola	10/31/2008
Florida Black Business Investment Board, Inc. Appointee: Villain, Jean-Marc, Miami	06/30/2008
Board of Trustees of Valencia Community College Appointees: Cabrera-Morris, M. Bertica, Orlando Slocum, Lawrence D., Kissimmee	05/31/2007 05/31/2008
Board of Funeral Directors and Embalmers Appointee: Deakins, John P., Dunnellon	10/31/2008
Board of Landscape Architecture Appointee: Walter, Collene W., Atlantis	10/31/2008
Florida Real Estate Commission Appointee: Varnado, James D., Tallahassee	10/31/2008
<b>[Referred to the Committee on Ethics and Elections.]</b>	
Board of Trustees, Florida A & M University Appointee: Benjamin, Regina, Spanish Fort	01/06/2010
Board of Trustees, Florida Atlantic University Appointee: Janke, Lalita M., Vero Beach	01/06/2010
Board of Trustees, University of South Florida Appointee: Soran, Robert, Sarasota	01/06/2010
<b>[Referred to the Committees on Education; and Ethics and Elections.]</b>	

**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 657, HB 853, HB 1907; has passed as amended HB 149, HB 155, HB 213, HB 349, HB 1889, HB 1899; has passed by the required constitutional three-fifths vote of the membership HB 1765; has passed as amended by the required constitutional three-fifths vote of the membership HJR 1177 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

By Representative Bean and others—

**HB 657**—A bill to be entitled An act relating to public libraries; amending s. 257.191, F.S.; revising provisions relating to public library construction grants; authorizing the Division of Library and Information Services to accept and administer appropriated funds for purposes of small county public library construction grants; providing for eligibility for grant funding; providing for effect contingent upon specific appropriations; limiting grants in the same fiscal year; providing for the adoption of rules; providing an effective date.

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

By Representative Reagan and others—

**HB 853**—A bill to be entitled An act relating to motor vehicle lease agreements; amending s. 521.004, F.S.; revising retail lessor disclosure requirements; revising requirement for copies of certain documents to be provided to the lessee; providing an effective date.

—was referred to the Committee on Transportation.

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By the Fiscal Council; and Representative Negron—

**HB 1907**—A bill to be entitled An act relating to retirement; amending s. 121.71, F.S.; revising the payroll contribution rates for the membership classes of the Florida Retirement System for the state fiscal years effective July 1, 2005, and July 1, 2006; providing an effective date.

—was referred to the Committee on Ways and Means.

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By Representative Patterson and others—

**HB 149**—A bill to be entitled An act relating to extracurricular student activities; amending s. 1006.15, F.S.; providing that eligibility requirements for participation shall apply to all extracurricular activities rather than to interscholastic activities only; providing that a student shall not be precluded from participation in certain activities; providing certain restrictions with respect to participation; authorizing establishment of a waiver process; prohibiting certain waivers; amending ss. 1002.33 and 1002.41, F.S.; conforming provisions; requiring the Department of Education to annually report data relating to student participation in extracurricular activities; providing an effective date.

—was referred to the Committee on Education.

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By Representative Machek and others—

**HB 155**—A bill to be entitled An act relating to the Lake Okeechobee Protection Program; amending s. 373.4595, F.S.; providing legislative findings with respect to implementation and funding of the Lake Okeechobee Watershed Phosphorus Control Program and the Lake Okeechobee Protection Program; revising a definition; providing that the Department of Agriculture and Consumer Services, the Department of Environmental Protection, and the South Florida Water Management District be jointly responsible for implementing the Lake Okeechobee Protection Plan; requiring that annual funding priorities be jointly established; providing criteria for determining funding priorities; repealing obsolete provisions; providing an effective date.

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

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By Representative Evers and others—

**HB 213**—A bill to be entitled An act relating to construction professionals; amending s. 481.221, F.S.; requiring the Board of Architecture and Interior Design to prescribe, by rule, one or more forms of seals for use by a registered architect or interior designer who holds a valid certificate of registration; authorizing use of one seal and registration of the seal electronically; authorizing electronic transmission and sealing of final plans, specifications, or reports; prohibiting signing or sealing of final plans, specifications, or reports after expiration, suspension, or revocation of certificate of registration; requiring surrender of the seal upon suspension or revocation of the certificate of registration; amending s. 481.321, F.S.; requiring the Board of Landscape Architecture to prescribe, by rule, one or more forms of seals for use by a registered landscape architect who holds a valid certificate of registration; authorizing use of one seal and registration of the seal electronically; authorizing electronic transmission and sealing of final plans, specifications, or reports; prohibiting signing or sealing of final plans, specifications, or reports after expiration, suspension, or revocation of certificate of registration; requiring surrender of the seal upon suspension or revocation of the certificate of registration; reenacting s. 481.225(1)(a) and (3), F.S.,

relating to disciplinary proceedings against registered architects, to incorporate the amendment to s. 481.221, F.S., in a reference thereto; providing penalties; reenacting s. 481.325(1)(a) and (3), F.S., relating to disciplinary proceedings against registered landscape architects, to incorporate the amendment to s. 481.321, F.S., in a reference thereto; providing penalties; amending s. 489.103, F.S.; exempting pre-engineered fire extinguishing system permittees from construction contracting regulation; amending s. 489.105, F.S.; revising contractor definitions to authorize Class A and Class B air-conditioning contractors to disconnect or reconnect changeouts of liquefied petroleum or natural gas appliances within buildings, mechanical contractors to install, maintain, fabricate, repair, alter, extend, or design, when not prohibited by law, liquefied petroleum gas lines within buildings, and plumbing contractors to install liquefied petroleum gas and related venting lines; providing an effective date.

—was referred to the Committees on Regulated Industries; Commerce and Consumer Services; and Rules and Calendar.

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By Representative Brummer and others—

**HB 349**—A bill to be entitled An act relating to auditor selection procedures; amending s. 218.391, F.S.; revising the auditor selection procedures that local governmental entities, district school boards, charter schools, and charter technical career centers must use in selecting auditors to conduct certain required financial audits; revising provisions relating to membership, purposes, and duties of audit committees required to be established to aid in such selection; providing for requests for proposals; providing review and ranking requirements; requiring written contracts and providing requirements therefor, including renewal requirements; providing an effective date.

—was referred to the Committees on Community Affairs; Regulated Industries; Governmental Oversight; and General Government Appropriations.

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By the Fiscal Council; and Representative Negron—

**HB 1889**—A bill to be entitled An act relating to the distribution of proceeds from the excise tax on documents; amending s. 201.15, F.S.; revising monetary criteria for distributing portions of the tax to certain trust funds; revising authorization for the Department of Revenue to use certain amounts for certain purposes; requiring that proceeds of the tax in excess of specified amounts be deposited into the General Revenue Fund; providing for increased distributions to certain trust funds under certain circumstances to provide for payments on bonds; revising monetary criteria for distributing portions of the tax to the State Housing Trust Fund and the Local Government Housing Trust Fund for purposes of preserving the rights of holders of affordable housing guarantees; requiring distributions to the State Housing Trust Fund to be sufficient for certain purposes; providing a limitation; providing effective dates.

—was referred to the Committee on Ways and Means.

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By the Fiscal Council; and Representative Negron—

**HB 1899**—A bill to be entitled An act relating to corrections; amending s. 20.315, F.S.; abolishing the Florida Corrections Commission; amending s. 944.8041, F.S.; conforming references; requiring the annual report on elderly offenders within the correctional system to be submitted to the Governor in addition to the Legislature; amending s. 946.40, F.S.; permitting political subdivisions to reimburse the Department of Corrections for certain services of inmates and personnel of the department; amending s. 957.04, F.S.; revising requirements for contracts for the operation of private correctional facilities; conforming references; amending s. 957.07, F.S.; providing for the Prison Per-Diem Workgroup to develop certain rates on an as-needed basis; amending s. 957.12, F.S.; revising provisions relating to prohibitions on contact with respect to a request for proposals for a private correctional facility; amending ss. 20.315, 20.32, 23.21, 112.011, 186.005, 255.502, 322.16, 394.926, 394.927, 775.089, 775.16, 784.07, 784.078, 843.01, 843.02, 843.08, 893.11, 921.001, 921.16, 921.20, 921.21, 921.22, 940.03, 940.05, 941.23, 943.0311, 943.06, 944.012, 944.02, 944.024, 944.23, 944.291, 944.4731,

945.091, 945.10, 945.47, 945.73, 947.002, 947.005, 947.02, 947.021, 947.1405, 947.141, 947.146, 947.181, 947.185, 947.22, 948.09, 948.10, 949.05, 957.06, 958.045, 960.001, 960.17, 985.04, and 985.05, F.S.; abolishing the Parole Commission; providing for the creation of regional parole boards; providing for membership, powers, and duties of such boards; providing for assignment of inmates to boards; conforming provisions; amending s. 784.078, F.S.; conforming a cross reference; repealing s. 947.01, F.S., relating to the creation of the Parole Commission; repealing s. 947.022, F.S., relating to terms of members of the Parole Commission; transferring support for the Governor and Cabinet acting in their capacity as the Executive Board of Clemency from the Parole Commission to the Executive Office of the Governor; providing a directive to the Division of Statutory Revision; providing an effective date.

—was referred to the Committee on Ways and Means.

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By the Fiscal Council; and Representative Barreiro—

**HB 1765**—A bill to be entitled An act relating to the Federal Grants Trust Fund; creating s. 947.045, F.S.; creating the Federal Grants Trust Fund within the Florida Parole Commission; providing for the source and use of funds; providing for annual carryover of funds; providing for review and termination or re-creation of the trust fund; providing an effective date.

—was referred to the Committee on Justice Appropriations.

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By Representative Troutman and others—

**HJR 1177**—A joint resolution proposing an amendment to Section 4 of Article VI and the creation of Section 26 of Article XII of the State Constitution relating to limitations on the number of consecutive years during which certain elected constitutional officers may hold office before being denied the right to have their names appear on the ballot.

—was referred to the Committees on Ethics and Elections; Judiciary; and Rules and Calendar.

**ENROLLING REPORTS**

CS for SB 200, SB 292, SB 516, SB 1376, SB 1378, SB 1380, SB 1382, SB 1384, SB 1386, SB 1388, SB 1390, SB 1392, SB 1394, CS for SB 1396, SB 1398, SB 1400, SB 1402, SB 1404, CS for SB 1406, CS for SB 1408, CS for SB 1410 and SB 2042 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on April 12, 2005.

*Faye W. Blanton, Secretary*

**CORRECTION AND APPROVAL OF JOURNAL**

The Journal of April 7 was corrected and approved.

**CO-INTRODUCERS**

Senators Aronberg—SB 558, SB 978, SB 980; Atwater—SB 818, SB 1096, SR 2160; Baker—SB 2088, SJR 2090, SB 2480; Bullard—CS for SB 1288, CS for SB 1314, SB 1444, SB 1714; Campbell—SB 1096, CS for SB 1314, SB 1862; Clary—CS for CS for SB 620; Crist—SB 2348; Fasanano—SM 1206, CS for SB 1208; Haridopolos—CS for CS for SB 1598, SB 1964, SB 2088, SJR 2090, SB 2480; Margolis—SB 1620; Peaden—SB 2088, SJR 2090, SB 2480; Rich—CS for SB 1604; Sebesta—SJR 2090, SB 2480; Webster—SB 818

**RECESS**

On motion by Senator Pruitt, the Senate recessed at 1:18 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:00 a.m., Thursday, April 14 or upon call of the President.

**SENATE PAGES**

April 11-15, 2005

Britton Alexander, Lake Wales; Doug Baillie, Sarasota; Adam B. Bates, Holiday; Amber Bryant, Lakeland; Alexandra Bunker, Altamonte Springs; Angela “Angie” Diaz, Pinecrest; Lauren Doyle, Miami; Samantha “Sam” Hoffman, Homosassa; Cortni Powell, Plant City; Jason Roberts, New Smyrna Beach; David Schultz, Ft. Myers; Chelsey Severance, Tallahassee; James “Jim” Stephens, Greenville; Michael R. Treiser, Naples; Locklyn Diane Tucker, Crawfordville; Ashley M. Van Oosten, Plant City