



Journal of the Senate

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CALL TO ORDER

The Senate was called to order by President Lee at 10:50 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 Father Terrance Morgan, Cathedral Basilica, St. Augustine:

O dearest Lord, grant that we may know you, and love you, and rejoice in you.

And if we cannot do these perfectly in this life, let them at least advance to a higher degree this hour, this day and tomorrow, and every day until we can come to do them in perfection in your heavenly kingdom.

May our knowledge of you, and of your holy will fill our minds and hearts this hour, so that our discourse and our decisions may be an instrument of your love, and so that our joy may be complete. Amen.

PLEDGE

Senate Pages Carlyn Harris of Tallahassee; Taylor Snively of Winter Haven; Marlon L. Perry of Jacksonville; and Lillian "Lilly" Caldwell, daughter of Diana Caldwell, Staff Director, Committee on Communications and Public Utilities, of Tallahassee, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Temple O. Robinson of Tallahassee, sponsored by Senator Lawson, as doctor of the day. Dr. Robinson specializes in Internal Medicine.

INTRODUCTION OF FORMER SENATORS

Senator Webster introduced former Senators Buddy Dyer, Mayor of Orlando and Richard Crotty, Mayor of Orange County, who were present in the chamber.

ADOPTION OF RESOLUTIONS

At the request of Senator Lynn—

By Senator Lynn—

SR 1006—A resolution recognizing the life and accomplishments of Charles W. Cherry, Sr.

WHEREAS, the lifetime accomplishments of Charles W. Cherry, Sr., included significant contributions and leadership in the fields of business, education, public service, publishing, civil rights, and

WHEREAS, in 1967 Mr. Cherry became the first African-American businessman to be admitted to the Daytona Beach Board of Realtors and served on the Board for 37 years; founded and served as First Chairman of the Daytona Beach-Volusia County Chamber of Commerce in 1985; and was President and Chief Executive Officer of Mormen Realty and Development, Inc., of Daytona Beach, Tampa, and St. Petersburg, from 1966 until his death on November 16, 2004, and

WHEREAS, Mr. Cherry's contributions in the field of education included teaching at Campbell Street High School in the late 1950s and managing educational finances as Chief Accountant for Bethune-Cookman College in Daytona Beach from 1953-1956 and then as Business Manager of Clafin College in Orangeburg, South Carolina, from 1956 to 1958, and

WHEREAS, while at Bethune-Cookman, Mr. Cherry established and developed a highly successful Cooperative Education Program involving students in business, government, and the military, and he was Professor of Business and Director of Cooperative Education at the college from 1959 to 1961, and

WHEREAS, Mr. Cherry's knowledge, vision, and energy led to his appointment by Governor Rubin Askew to the Statewide Steering Committee on Health for 1977-1981; by Governor Bob Graham to the Small and Minority Business Study Commission for 1984-1986; and by Governor Bob Martinez to the Florida Advisory Board for Education of Blacks in Florida in 1989, a board on which he served until his death in 2004, and

WHEREAS, in the field of publishing, Mr. Cherry served from 1977 to 2004 as Managing Editor of the Daytona Times and the Ft. Pierce Florida Courier and as Senior Consultant to the CEO of Tama Broadcasting, Inc., and he was President of the Southeast Black Publisher's Association from 1986 to 1995, and

WHEREAS, Mr. Cherry was also a dedicated civil rights activist serving in a variety of state and national offices in the NAACP, including State President from 1974 to 1984 and as a member of the National Board of Directors from 1976 to 1989, and

WHEREAS, the local community also found a leader in Charles W. Cherry, Sr., who was elected Daytona Beach City Commissioner for Zone

6 in 1995 and reelected in 1997, 1999, 2001, and 2003, NOW, THEREFORE,

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

That this legislative body does pause in its deliberations to honor the memory of Charles W. Cherry, Sr., and to recognize his public service and community leadership.

—**SR 1006** was introduced, read and adopted by publication.

At the request of Senator Hill—

By Senator Hill—

SR 1540—A resolution recognizing April 28, 2005, as Workers' Memorial Day in Florida.

WHEREAS, 34 years ago Congress passed the Occupational Safety and Health Act, promising every American worker the right to a safe job, and

WHEREAS, unions and their allies have fought hard to make that promise a reality, winning protections that have saved hundreds of thousands of lives and prevented millions of workplace injuries, and

WHEREAS, the toll of workplace injuries, illnesses, and death nonetheless remains enormous, with 60,000 American workers dying from job-related injuries each year and another 6 million workers injured on the job, and

WHEREAS, the unions of the AFL-CIO are committed to the continuing struggle to make workers' safety a priority and to keep and create good jobs in America, for American workers, and

WHEREAS, America's economy and the health and vigor of American society depend on the availability of decent jobs for American workers and on the safety of those jobs, NOW, THEREFORE

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

That April 28, 2005, is recognized as Workers' Memorial Day in the State of Florida in honor of the many American workers who have suffered injury and death on the job, and in recognition of the work of the unions of the AFL-CIO to protect the safety of American workers and to secure the availability of decent jobs for Americans.

—**SR 1540** was introduced, read and adopted by publication.

At the request of Senator Hill—

By Senator Hill—

SR 2738—A resolution recognizing September 2005 as "Prostate Cancer Awareness Month."

WHEREAS, prostate cancer is the most common cancer diagnosed among men in Florida, and the American Cancer Society estimates that more than 19,650 new cases of prostate cancer will be diagnosed among Florida men during 2005, and

WHEREAS, the American Cancer Society also anticipates that there will be more than 2,570 deaths in Florida this year attributed to prostate cancer, and

WHEREAS, Florida has the second-highest number of prostate cancer cases and deaths in the United States, and

WHEREAS, African-American and black men have the highest prostate cancer death rate in the world, and a mortality rate that is twice that of white men, and

WHEREAS, the American Cancer Society recommends that annual prostate cancer testing begin at age 50, except for men at high-risk, such as African-Americans and men having a family history of the disease, who are advised to begin annual screening at age 45, and

WHEREAS, the 5-year survival rate for prostate cancer patients is 100 percent if the disease is diagnosed at the local and regional stages, otherwise known as the early stages, and

WHEREAS, the American Cancer Society supports African-American Men's Health Summits in at least 16 major metropolitan areas across the state in an attempt to increase prostate cancer awareness and prostate screening among African-American men in Florida, and

WHEREAS, the Man-to-Man Program of the American Cancer Society attempts to increase prostate cancer awareness, education, and support during the month of September and throughout the year, NOW, THEREFORE,

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

That September 2005 is recognized as "Prostate Cancer Awareness Month" in Florida and all men are urged to understand the risks associated with prostate cancer, to take preventive steps to minimize those risks, and to talk to their doctor about annual prostate cancer screening and compliance with the prostate cancer screening guidelines recommended by the American Cancer Society.

—**SR 2738** was introduced, read and adopted by publication.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Pruitt, the rules were waived and the Committee on Ways and Means was granted permission to meet this day fifteen minutes after the end of session for one hour to consider **CS for CS for SB 444** and **CS for SB 332**. A deadline of 2:00 p.m. this day was set for filing amendments.

On motion by Senator Pruitt, the rules were waived and the Special Order Subcommittee of the Committee on Rules and Calendar was granted permission to meet this day beginning fifteen minutes after the end of the meeting of the Committee on Ways and Means.

BILLS ON THIRD READING

Consideration of **CS for SB 718** and **HB 1659** was deferred.

CS for CS for SB 202—A bill to be entitled An act relating to the community contribution tax credit program; amending s. 212.08, F.S.; requiring the Office of Tourism, Trade, and Economic Development to reserve portions of certain annual tax credits for donations made to eligible sponsors for projects that provide homeownership opportunities for certain households; providing requirements, criteria, and limitations; extending an expiration date; amending s. 220.03, F.S.; revising a definition to delete a provision authorizing the office to reserve certain portions of available annual tax credits for donations made to eligible sponsors for projects that provide homeownership opportunities for certain households; extending an expiration date; amending s. 220.183, F.S.; increasing the amount of available annual community contribution tax credits; revising eligibility criteria; requiring the Office of Tourism, Trade, and Economic Development to reserve portions of certain annual tax credits for donations made to eligible sponsors for projects that provide homeownership opportunities for certain households; providing requirements, criteria, and limitations; extending an expiration date; amending s. 624.5105, F.S.; increasing the amount of available annual community contribution tax credits; limiting application of certain retaliatory tax provisions under certain circumstances; revising tax credit eligibility criteria; requiring the Office of Tourism, Trade, and Economic Development to reserve portions of certain annual tax credits for donations made to eligible sponsors for projects that provide homeownership opportunities for certain households; providing requirements, criteria, and limitations; extending an expiration date; providing an effective date.

—was read the third time by title.

MOTION

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

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

Amendment 1 (911154)(with title amendment)—On page 18, between lines 29 and 30, insert:

Section 5. Paragraph (h) of subsection (1) of section 220.191, Florida Statutes, is amended to read:

220.191 Capital investment tax credit.—

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

(h) “Qualifying project” means:

1. A new or expanding facility in this state which creates at least 100 new jobs in this state and is in one of the high-impact sectors identified by Enterprise Florida, Inc., and certified by the office pursuant to s. 288.108(6), including, but not limited to, aviation, aerospace, automotive, and silicon technology industries; or

2. A new or expanded facility in this state which is engaged in a target industry designated pursuant to the procedure specified in s. 288.106(1)(o) and which is induced by this credit to create or retain at least 1,000 jobs in this state, provided that at least 100 of those jobs are new, pay an annual average wage of at least 130 percent of the average private sector wage in the area as defined in s. 288.106(1), and make a cumulative capital investment of at least \$100 million after July 1, 2005. Jobs may be considered retained only if there is significant evidence that the loss of jobs is imminent. Notwithstanding subsection (2), annual credits against the tax imposed by this chapter shall not exceed 50 percent of the increased annual corporate income tax liability or the premium tax liability generated by or arising out of a project qualifying under this subparagraph. A facility that qualifies under this subparagraph for an annual credit against the tax imposed by this chapter may take the tax credit for a period not to exceed 5 years. ~~A new financial services facility in this state, which creates at least 2,000 new jobs in this state, pays an average annual wage of at least \$50,000, and makes a cumulative capital investment of at least \$30 million. This subparagraph is repealed June 30, 2004.~~

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 10, after the semicolon (;) insert: amending s. 220.191, F.S.; redefining the term “qualifying project”; providing a limitation on the duration of the capital investment tax credit for projects qualifying under this act;

On motion by Senator Saunders, **CS for CS for SB 202** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Fasano, Jones

Votes Recorded:

April 29, 2005: Yea—Carlton

SB 550—A bill to be entitled An act relating to property tax exemptions; amending s. 196.012, F.S.; defining the term “ex-service member” for purposes of ch. 196, F.S.; amending s. 196.24, F.S.; revising the qualifications for the exemption; entitling the surviving spouse of a disabled ex-service member to an exemption from property taxation for the value of certain property under certain circumstances; providing an effective date.

—was read the third time by title.

On motion by Senator Clary, **SB 550** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Atwater

HB 775—A bill to be entitled An act relating to child support enforcement; amending s. 61.13, F.S.; providing civil penalties for employers, unions, and plan administrators not in compliance with requirements of the national medical support notice; amending s. 61.1354, F.S.; providing for sharing of information between consumer reporting agencies and the Department of Revenue relating to amount of current support owed; requiring the department to continue reporting to consumer reporting agencies once overdue amount is paid if current support is still owed; amending s. 61.14, F.S.; providing conditions for collection of support from workers’ compensation settlements; providing for amendment of the allocation of support recovery within the settlement agreement; providing for rulemaking by the Office of the Judges of Compensation Claims; amending s. 61.1812, F.S.; correcting a reference; amending s. 222.21, F.S.; correcting a reference; amending s. 382.016, F.S.; providing exceptions to the requirement that the department limit access to an acknowledgment of paternity that amends an original birth certificate; providing conditions under which an original birth certificate for a child born in this state whose paternity is established in another state may be amended; amending s. 409.2558, F.S.; providing a procedure for redirecting payments to the person with whom a child resides under certain circumstances; providing for notice and hearing; amending s. 409.2561, F.S.; providing limitation to exemption for support order establishment to recipients of supplemental security income and temporary cash assistance; amending s. 409.2567, F.S.; eliminating requirement for a monthly report by the department on funds identified for collection from noncustodial parents of children receiving temporary assistance; amending s. 409.821, F.S.; requiring the provision of information identifying KidCare program applicants to the department for Title IV-D purposes; providing effective dates.

—was read the third time by title.

On motion by Senator Campbell, **HB 775** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Baker	Clary
Alexander	Bennett	Constantine
Argenziano	Bullard	Crist
Aronberg	Campbell	Dawson
Atwater	Carlton	Diaz de la Portilla

Dockery	Lawson	Sebesta
Fasano	Lynn	Siplin
Garcia	Margolis	Smith
Geller	Miller	Villalobos
Haridopolos	Peaden	Webster
Hill	Posey	Wilson
Jones	Pruitt	Wise
King	Rich	
Klein	Saunders	

Nays—None

On motion by Senator Campbell, by two-thirds vote **HB 1283** was withdrawn from the Committees on Children and Families; Judiciary; and General Government Appropriations.

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

HB 1283—A bill to be entitled An act relating to child support; amending s. 61.13, F.S.; providing a civil penalty and attorney's fees and costs for noncompliance with a requirement to enroll a child in health care coverage; providing for enforcement by the Department of Revenue; repealing a provision relating to a judicial circuit with a work experience and job training pilot project; amending s. 61.1301, F.S.; providing for the repayment of a support delinquency through income deduction; providing for application to support orders or income deduction orders entered before July 1, 2006; requiring an obligor contesting an income deduction order rendered by a Title IV-D agency to file the petition with the Title IV-D agency; requiring the department to provide payors with Internet access to income deduction and national medical support notices issued by the department on or after July 1, 2006; amending s. 61.1306, F.S.; providing for suspension of a driver's license to enforce compliance with an order to appear for genetic testing; amending s. 61.1354, F.S.; requiring a Title IV-D agency to provide information relating to the amount of current support owed by an obligor; amending s. 61.14, F.S.; authorizing the circuit court to enforce a support order by ordering the obligor to seek employment, file periodic reports with the court or the department, notify the court or department upon obtaining employment, income, or property, and participate in jobs programs; providing for contempt of court; repealing provisions related to a judicial circuit with a work experience and job training pilot project; correcting a cross reference; providing for recovery of support arrearages from workers' compensation lump-sum settlements; requiring the Office of the Judges of Compensation Claims to adopt procedural rules; requiring local depositories to electronically provide the department with certain data; amending s. 61.1814, F.S.; providing for fines for failure or refusal to submit to genetic testing to be deposited in the Child Support Enforcement Application and Program Revenue Trust Fund; correcting a cross reference; amending s. 61.1824, F.S.; requiring the State Disbursement Unit to provide for electronic disbursement of support payments to obligees, notify obligees of electronic disbursement options, and encourage use of such options; requiring electronic remittance of support payments by certain employers; providing for waivers; amending s. 61.30, F.S.; correcting a cross reference and reenacting s. 61.30(8), F.S., relating to child support guidelines for health insurance costs and other medical expenses of a child, to incorporate the amendment to s. 61.13, F.S., in a reference thereto; amending s. 120.80, F.S.; providing for entry of final orders by the Division of Administrative Hearings in proceedings to establish paternity or paternity and child support; providing for the right to immediate judicial review to contest an administrative order for genetic testing; providing for judicial enforcement of agency final orders; providing for venue of administrative hearings in paternity proceedings and determinations of noncovered medical expenses; amending s. 322.142, F.S.; authorizing the department to obtain digital photographs and signatures from the Department of Highway Safety and Motor Vehicles for use in establishing paternity and establishing, modifying, or enforcing support obligations; amending s. 382.013, F.S.; requiring the Department of Health to amend a child's birth certificate when paternity is established by the Department of Revenue; amending s. 382.015, F.S.; requiring the clerk of the court to ensure that all judicial determinations of paternity are reported to the Department of Health; requiring the Department of Health to monitor compliance and report data to the clerks of the court; amending s. 382.016, F.S.; providing for the Department of Health to leave birth certificates and related papers unsealed when a father is listed pursuant to an acknowledgment of paternity; providing for the Department of Health to amend the birth certificate of

a child born in the state whose paternity is established in another state; providing for the Department of Revenue to develop written educational materials concerning establishment of paternity for use and distribution by Department of Children and Family Services, Department of Corrections, Department of Education, Department of Health, and Department of Juvenile Justice; creating s. 382.357, F.S.; providing for the Department of Health, Department of Revenue, Florida Hospital Association, Florida Association of Court Clerks, and one or more local registrars to study the feasibility of and report on the filing of original and new or amended birth certificates with the Department of Health; requiring a report to the Legislature; amending s. 395.003, F.S.; requiring a hospital providing birthing services to comply with s. 382.013(2)(c), F.S., when applying for certain licenses; prohibiting fines and sanctions against hospitals for noncompliance with s. 382.013(2)(c), F.S.; amending s. 409.2557, F.S.; authorizing the Department of Revenue to adopt rules relating to administrative proceedings to establish paternity, paternity and child support orders, and orders to appear for genetic testing; amending s. 409.2558, F.S.; providing for a determination by the Department of Revenue that a collection or refund is undistributable; requiring the Department of Revenue to make reasonable efforts to locate persons to whom collections or refunds are owed; providing for location efforts to include disclosure through a searchable database of the names of obligees, obligors, and depository account numbers on the Internet in compliance with certain requirements; creating s. 409.256, F.S.; providing definitions; authorizing the Department of Revenue to administratively establish paternity based on the results of genetic testing; providing for notice, opportunity for administrative hearing, and right to judicial review; authorizing the Department of Revenue to combine a paternity proceeding with an administrative proceeding under s. 409.2563, F.S.; providing for administrative orders to appear for genetic testing and right to contest; providing for scheduling of genetic testing and rescheduling for good cause; providing sanctions for failure or refusal to submit to genetic testing; providing for a presumption of paternity based on specified genetic testing results; providing for admissibility of genetic testing results at administrative hearings; providing for hearings to be conducted by the Division of Administrative Hearings in accordance with ch. 120, F.S.; providing that a final order issued by an administrative law judge constitutes final agency action by the Department of Revenue; providing that a final order establishing paternity has the same effect as a judgment entered by a court pursuant to ch. 742, F.S.; requiring a respondent to notify the Department of Revenue of changes of address and that subsequent notice by mail is deemed to have been received; providing that the administrative procedure is a supplemental remedy; authorizing the Department of Revenue to adopt rules; amending s. 409.2561, F.S.; providing that no obligation of support shall be incurred by a recipient of supplemental security income or temporary cash assistance for the benefit of a dependent child; amending s. 409.2563, F.S.; authorizing the Department of Revenue to establish an administrative support order when paternity is determined pursuant to s. 409.256, F.S.; creating s. 409.25635, F.S.; authorizing the Department of Revenue to determine the amount owed by an obligor for noncovered medical expenses in Title IV-D cases; defining "noncovered medical expenses"; providing for notice, opportunity for administrative hearing, and right to judicial review; requiring a written declaration under penalty of perjury by the obligee and documentation of claims; providing that a determination by the Department of Revenue has the same effect as a judgment entered by a court; providing for filing an uncontested notice or final order with the local depository; authorizing the Department of Revenue to collect noncovered medical expenses by using the same remedies available for collection of support; providing that the administrative procedure is a supplemental remedy; authorizing the Department of Revenue to adopt rules; amending s. 409.2564, F.S.; repealing provision relating to judicial circuits with a work experience and job training pilot project; providing for a reduction in the amount of retroactive support permanently assigned to the state when the obligor and the Department of Revenue agree to entry of a support order based on the child support guidelines; amending s. 409.25645, F.S.; providing for correctional facilities to assist putative fathers in complying with administrative orders for genetic testing; providing that an administrative order for genetic testing has the same force and effect as a court order; amending s. 409.2567, F.S.; authorizing the Department of Revenue to seek a federal waiver from the requirement that an individual must apply for Title IV-D services; providing for the Department of Revenue to adopt rules if a waiver is granted and provide Title IV-D services if support payments are not paid as ordered unless the individual refuses services after notice; providing an application fee for child support services provided by the Department of Revenue, waiver of the fee, and payment by the department; removing rulemaking authority of

the Department of Children and Family Services relating to the application fee and deposit thereof; amending s. 409.2598, F.S.; revising provisions relating to license suspension to enforce support orders; authorizing the Department of Revenue to commence a proceeding to suspend an obligor's occupational, business, trade, professional, or recreational license for noncompliance with a support order; providing for notice by regular mail, opportunity to contest in circuit court, grounds for contesting, and stay of proceedings if a timely petition to contest is filed; providing for written agreement with the Department of Revenue to avoid suspension, reinstatement notice upon compliance, and suspension if the obligor does not comply after notice, does not contest, or does not comply with a written agreement unless the obligor notifies the department of inability to comply with the written agreement; providing for full disclosure by obligor of income, assets, and employment; providing for reinstatement upon court order; providing for license suspension to enforce subpoenas, orders to appear, or similar orders; providing for combining a proceeding to enforce a support order with a proceeding to suspend a driver's license, under certain circumstances; authorizing the Department of Revenue to adopt rules; amending s. 409.259, F.S.; requiring the clerks of the circuit court, chief judges through the Office of the State Courts Administrator, sheriffs, Office of the Attorney General, and Department of Revenue to work cooperatively to implement electronic filing of pleadings, returns of service, and other papers by October 1, 2009; amending s. 409.821, F.S.; requiring the Agency for Health Care Administration to disclose information identifying Florida KidCare applicants or enrollees to the Department of Revenue for purposes of administering the state's Title IV-D program; amending s. 414.065, F.S.; providing that a court may order a noncustodial parent who is delinquent pursuant to the terms of a support order to participate in work activities under ch. 414, F.S., or as provided in s. 61.14(5)(b), F.S.; amending s. 443.051, F.S.; revising provisions relating to interception of child support benefits; providing and revising definitions; requiring the Agency for Workforce Innovation to deduct and withhold a specified percentage of unemployment compensation otherwise payable to an individual who owes a support obligation, under certain circumstances; providing for the Department of Revenue to promptly refund any excess deduction to the obligor; amending s. 455.203, F.S.; repealing authority to screen license applicants for compliance with support obligations; requiring the Department of Business and Professional Regulation to cooperate with the Department of Revenue to implement an automated method for current license disclosure; requiring the Department of Revenue to suspend or deny licenses for noncompliance with a support order; providing for issuance or restatement upon proof of compliance; amending s. 742.10, F.S.; providing that when paternity is adjudicated by the Department of Revenue pursuant to s. 409.256, F.S., such adjudication constitutes the establishment of paternity for purposes of ch. 742, F.S.; amending s. 760.40, F.S.; providing for genetic testing in paternity cases and disclosure of test results as authorized by s. 409.256, F.S.; amending s. 827.06, F.S.; repealing provisions that require exhaustion of civil remedies before a criminal prosecution for nonsupport of dependents is commenced, a prior adjudication of contempt for failure to comply with a support order, notice by the state attorney prior to prosecution, and mandatory minimum fines and imprisonment; providing for the state attorneys, the Florida Prosecuting Attorneys Association, and the Department of Revenue to identify strategies for pursuing criminal prosecution in certain cases and to submit a report to the Governor and Legislature; providing effective dates.

—a companion measure, was substituted for **CS for SB 1884** as amended and read the second time by title. On motion by Senator Campbell, by two-thirds vote **HB 1283** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Villalobos	Wilson	Wise
Webster		
Nays—None		

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.

—was read the third time by title.

On motion by Senator Clary, **CS for CS for CS for SB 1784** was passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

CS for CS for CS for SB 1026—A bill to be entitled An act relating to the aerospace industry; creating the Commission on the Future of Space in Florida; providing for membership and organization of the commission; providing procedures for action by the commission; authorizing the commission to appoint an executive director; providing for administrative and staff assistance from the Office of Tourism, Trade, and Economic Development; providing for compensation of consultants; providing duties of the commission; requiring the commission to identify, examine, and review certain information related to aerospace and the aerospace industry; authorizing the commission to appoint technical advisory committees; authorizing reimbursement of travel expenses; requiring a certain number of meetings in various regions of the state; directing certain agencies and requesting other agencies to render assistance and cooperation; requiring preliminary and final reports; requiring the Office of Tourism, Trade, and Economic Development to prepare legislative recommendations consistent with the report; abolishing the commission; providing an expiration date; providing appropriations; amending s. 331.405, F.S.; amending a definition; providing an effective date.

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

On motion by Senator King, **CS for CS for CS for SB 1026** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Clary	Hill
Alexander	Constantine	Jones
Argenziano	Crist	King
Aronberg	Dawson	Klein
Atwater	Diaz de la Portilla	Lawson
Baker	Dockery	Lynn
Bennett	Fasano	Margolis
Bullard	Garcia	Miller
Campbell	Geller	Peaden
Carlton	Haridopolos	Posey

Pruitt	Siplin	Webster
Rich	Smith	Wilson
Saunders	Villalobos	Wise
Sebesta		

Nays—None

HB 577—A bill to be entitled An act relating to the Interstate Compact for Juveniles; amending s. 985.502, F.S.; revising provisions of the former Interstate Compact on Juveniles; providing purpose of the compact; providing definitions; providing for an Interstate Commission for Juveniles; providing for the appointment of commissioners; providing for an executive committee; providing for meetings; providing powers and duties of the Interstate Commission; providing for its organization and operation; providing for bylaws, officers, and staff; providing for qualified immunity from liability for the commissioners, the executive director, and employees; requiring the Interstate Commission to adopt rules; providing for oversight, enforcement, and dispute resolution by the Interstate Commission; providing for the activities of the Interstate Commission to be financed by an annual assessment from each compacting state; requiring member states to create a State Council for Interstate Juvenile Supervision; providing for the effective date of the compact and amendments thereto; providing for a state’s withdrawal from and reinstatement to the compact; providing for assistance, certain penalties, suspension, or termination following default by a state; providing for judicial enforcement; providing for dissolution of the compact; providing for severability and construction of the compact; providing for the effect of the compact with respect to other laws and for its binding effect; creating s. 985.5025, F.S.; creating the State Council for Interstate Juvenile Offender Supervision to oversee state participation in the compact; providing membership; providing for records and open meetings; prescribing procedures if the council is abolished; repealing ss. 985.503, 985.504, 985.505, 985.506, and 985.507, F.S., relating to obsolete provisions governing the former compact superseded by the act; providing for the future legislative review and repeal of ss. 985.502 and 985.5025, F.S.; providing an effective date.

—was read the third time by title.

On motion by Senator Crist, **HB 577** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Garcia

CS for CS for SB 620—A bill to be entitled An act relating to the wireless emergency telephone system; amending s. 11.45, F.S.; removing the annual audit of the Wireless Emergency Telephone System Fund from the duties of the Auditor General; amending s. 364.02, F.S.; revising fee schedules for providers of interexchange telecommunications services; amending s. 365.171, F.S.; revising provisions for certain non-emergency telephone number pilot projects; amending s. 365.172, F.S.; limiting application of definitions; adding definitions relating to wireless telephone communications; revising duties of the Wireless 911 Board; providing for grants and loans to certain counties for the purpose of upgrading E911 systems; authorizing the hiring of an executive director

and an independent, private attorney; specifying that state and local governments are not customers under provisions for the wireless E911 monthly fee; revising timeframe to reduce the amount of the fee or for reallocation of moneys collected for the fee; providing legislative intent regarding the emergency wireless telephone system; providing standards for local governments to follow when regulating the placement, construction, or modification of a wireless communications facility; directing local governments to grant or deny properly completed applications within specified time periods; providing criteria and procedures for local approval of an application by a provider of wireless communications services; authorizing the local government to impose an application fee; directing local governments to notify a provider in writing of the deficiencies in an application; directing local governments to notify a provider in writing whether the resubmission of information properly completes the application; authorizing local governments to continue requesting information until the application deficiencies are cured; providing for a limited review by a local government of an accessory wireless communications facility; prohibiting local governments from imposing certain restrictions on wireless communications facilities; providing that an action brought by a person adversely affected by a decision of a local government relating to a wireless communications facility shall be considered on an expedited basis; removing certain complaint procedures; amending s. 365.173, F.S.; directing how a county may use funds derived from the E911 fee; requiring the board of county commissioners to appropriate the funds to the proper uses; removing the requirement that the Auditor General annually audit the E911 fund; amending s. 337.401, F.S.; revising provisions relating to use of right-of-way for utilities subject to regulation to remove certain application provisions; providing an effective date.

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

On motion by Senator Bennett, **CS for CS for SB 620** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

SB 1360—A bill to be entitled An act relating to adult protective services; amending s. 415.102, F.S.; defining “neglect” to include actions of a vulnerable adult against himself or herself; amending s. 415.1051, F.S.; providing that the Department of Children and Family Services may petition the court for an order authorizing the provision of protective services for a vulnerable adult in need of services; providing an effective date.

—was read the third time by title.

On motion by Senator Rich, **SB 1360** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Bullard	Diaz de la Portilla
Alexander	Campbell	Dockery
Argenziano	Carlton	Fasano
Aronberg	Clary	Garcia
Atwater	Constantine	Geller
Baker	Crist	Haridopolos
Bennett	Dawson	Hill

Jones	Peaden	Siplin
King	Posey	Smith
Klein	Pruitt	Villalobos
Lawson	Rich	Webster
Lynn	Saunders	Wilson
Miller	Sebesta	Wise

Nays—None

CS for CS for SB 874—A bill to be entitled An act relating to the sale and distribution of prescription drugs; amending s. 499.003, F.S.; redefining the term “pedigree paper”; amending s. 499.012, F.S.; providing an exemption from wholesale distribution for the transfer of prescription drugs due to a change in the ownership of a pharmacy; amending s. 499.0121, F.S.; abrogating the expiration of recordkeeping provisions for pedigree papers which relate to chain drug entities that are part of an affiliated group; prohibiting the Agency for Health Care Administration from reviewing or using certain violations relating to recordkeeping for prescription drugs to deny or withhold Medicaid payments to pharmacies or to audit the records of such pharmacies; providing an effective date.

—was read the third time by title.

On motion by Senator Peaden, **CS for CS for SB 874** was passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

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. 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; amending s. 381.921, F.S.; revising a goal of the Florida Cancer Council; providing appropriations; amending s. 215.5602, F.S.; requiring the Legislature to annually appropriate funds to the James and Esther King Biomedical Research Program; amending s. 1004.445, F.S.; requiring the Legislature to annually appropriate funds to support research to the Johnnie B. Byrd, Sr., Alzheimer’s Center and Research Institute; providing an effective date.

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

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

Amendment 1 (111840)—On page 7, lines 27 and 28, delete those lines and insert:

17. ~~Scripps Florida or the entity formed in this state by The Scripps Research Institute.~~

(Renumber subsequent subparagraphs.)

MOTION

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

Senator Saunders moved the following amendment:

Amendment 2 (700282)(with title amendment)—On page 12, between lines 8 and 9, insert:

Section 8. Subsection (1) of section 430.502, Florida Statutes, is amended to read:

430.502 Alzheimer’s disease; memory disorder clinics and day care and respite care programs.—

- (1) There is established:
 - (a) A memory disorder clinic at each of the three medical schools in this state;
 - (b) A memory disorder clinic at a major private nonprofit research-oriented teaching hospital, and may fund a memory disorder clinic at any of the other affiliated teaching hospitals;
 - (c) A memory disorder clinic at the Mayo Clinic in Jacksonville;
 - (d) A memory disorder clinic at the West Florida Regional Medical Center;
 - (e) The East Central Florida Memory Disorder Clinic at the Joint Center for Advanced Therapeutics and Biomedical Research of the Florida Institute of Technology and Holmes Regional Medical Center, Inc.;
 - (f) A memory disorder clinic at the Orlando Regional Healthcare System, Inc.;
 - (g) A memory disorder center located in a public hospital that is operated by an independent special hospital taxing district that governs multiple hospitals and is located in a county with a population greater than 800,000 persons;
 - (h) A memory disorder clinic at St. Mary’s Medical Center in Palm Beach County;
 - (i) A memory disorder clinic at Tallahassee Memorial Healthcare;
 - (j) A memory disorder clinic at Lee Memorial Hospital created by chapter 63-1552, Laws of Florida, as amended;
 - (k) A memory disorder clinic at Sarasota Memorial Hospital in Sarasota County; ~~and~~
 - (l) A memory disorder clinic at Morton Plant Hospital, Clearwater, in Pinellas County; ~~and~~,
 - (m) *A memory disorder clinic at Florida Atlantic University, Boca Raton, in Palm Beach County,*

for the purpose of conducting research and training in a diagnostic and therapeutic setting for persons suffering from Alzheimer’s disease and related memory disorders. However, memory disorder clinics funded as of June 30, 1995, shall not receive decreased funding due solely to subsequent additions of memory disorder clinics in this subsection.

And the title is amended as follows:

On page 1, line 22, after the semicolon (;) insert: amending s. 430.502, F.S.; creating a memory disorder clinic at Florida Atlantic University, Boca Raton, in Palm Beach County;

On motion by Senator Saunders, further consideration of **CS for CS for SB’s 1872 and 2378** with pending **Amendment 2 (700282)** was deferred.

HB 1699—A bill to be entitled An act relating to review under the Open Government Sunset Review Act; amending s. 787.03, F.S., which provides a public records exemption for information provided to a sheriff or state attorney in specified domestic violence cases in which a person

seeks shelter from an act or possible act of domestic violence and takes with him or her any child 17 years of age or younger; extending the repeal date scheduled under the Open Government Sunset Review Act; narrowing the exemption; providing an effective date.

—was read the third time by title.

On motion by Senator Webster, **HB 1699** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Alexander

HB 1389—A bill to be entitled An act relating to water control districts; amending s. 298.22, F.S.; revising powers of the board of supervisors to execute water control plans; amending s. 298.225, F.S.; revising provisions for water control plan development and amendment; clarifying the authority of certain districts as exclusive providers of certain services and facilities; amending s. 298.301, F.S.; revising water control plan adoption procedures; amending s. 298.341, F.S.; revising provisions for assessment liens; amending s. 298.77, F.S.; providing for revision of the engineer's report pursuant to an assessment readjustment; providing an effective date.

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

On motion by Senator Atwater, **HB 1389** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

SENATOR ATWATER PRESIDING

CS for 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. 163.01, F.S.; providing for the place of filing an interlocal agreement in 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.

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

On motion by Senator Constantine, **CS for CS for SB 926** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

CS for CS for SB 1650—A bill to be entitled An act relating to workforce innovation; amending s. 20.50, F.S.; revising the organization, powers, and duties of the Agency for Workforce Innovation; deleting references to specific programs; amending s. 445.003, F.S.; revising certain provisions relating to funding under the federal Workforce Investment Act of 1998; deleting obsolete provisions; amending s. 445.004, F.S.; revising membership and appointment of the board of directors of Workforce Florida, Inc., and increasing terms of members; providing for use of telecommunications to facilitate meetings; revising duties of the board chair and of Workforce Florida, Inc.; providing for rules; providing additional qualifications for certain board members; authorizing activities, incentives, and awards; requiring a dispute-resolution process under certain circumstances; amending s. 445.006, F.S.; providing for an operational plan; amending s. 445.007, F.S.; revising organizational requirements for regional workforce boards; providing for the use of telecommunications to facilitate meetings of regional workforce boards; authorizing activities, incentives, and awards by regional workforce boards and their subordinate entities; deleting obsolete provisions; amending s. 445.009, F.S.; deleting provisions relating to performance evaluation;

deleting obsolete provisions; requiring development of a plan for leveraging resources; amending s. 445.019, F.S.; providing an additional purpose of the teen parent and pregnancy prevention diversion program; amending s. 445.020, F.S.; requiring the Temporary Assistance for Needy Families state plan to indicate financial criteria for determination of needy families or parents, when required by federal regulations; amending s. 427.012, F.S.; providing for the director of the agency to serve on the Commission for the Transportation Disadvantaged; repealing s. 445.005, F.S., relating to First Jobs/First Wages, Better Jobs/Better Wages, and High Skills/High Wages Councils of Workforce Florida, Inc., s. 445.012, F.S., relating to Careers for Florida's Future Incentive Grant Program, s. 445.0121, F.S., relating to student eligibility requirements for initial awards, s. 445.0122, F.S., relating to student eligibility requirements for renewal awards, s. 445.0123, F.S., relating to eligible postsecondary education institutions, s. 445.0124, F.S., relating to eligible programs, s. 445.0125, F.S., relating to repayment schedule, s. 445.013, F.S., relating to challenge grants in support of welfare-to-work initiatives, s. 446.21, F.S., providing a short title, s. 446.22, F.S., relating to definitions for the Florida Youth-at-Risk 2000 Pilot Program, s. 446.23, F.S., relating to obligations of a mentor, s. 446.24, F.S., relating to obligations of a youth participant, s. 446.25, F.S., relating to implementation of the program, s. 446.26, F.S., relating to funding the program, and s. 446.27, F.S., relating to an annual report; providing an effective date.

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

On motion by Senator King, **SB 1650** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

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.

—was read the third time by title.

On motion by Senator Wilson, **CS for SB 514** was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Constantine	Jones
Argenziano	Crist	King
Aronberg	Dawson	Klein
Atwater	Diaz de la Portilla	Lawson
Baker	Dockery	Lynn
Bennett	Fasano	Margolis
Bullard	Garcia	Miller
Campbell	Geller	Posey
Carlton	Haridopolos	Pruitt
Clary	Hill	Rich

Saunders	Smith	Wilson
Sebesta	Villalobos	Wise
Siplin	Webster	

Nays—None

Vote after roll call:

Yea—Peaden

CS for CS for SB 1308—A bill to be entitled An act relating to the Florida Clean Indoor Air Act; amending s. 386.203, F.S.; defining the terms “person” and “proprietor or other person in charge of an enclosed indoor workplace” for purposes of the act; amending s. 386.204, F.S.; eliminating certain exceptions to the prohibition against smoking in an enclosed indoor workplace; prohibiting a proprietor or person in charge of an enclosed indoor workplace from permitting smoking in that workplace; requiring that a proprietor or person in charge of an enclosed indoor workplace request a person who is smoking to stop smoking or leave the premises; providing penalties; amending s. 386.2045, F.S.; conforming cross-references; creating a new exemption; amending s. 386.205, F.S.; conforming cross-references; amending s. 386.206, F.S.; deleting certain provisions made obsolete by operation of law which require the posting of signs in an enclosed indoor workplace; amending s. 386.208, F.S.; authorizing a law enforcement officer to issue a citation to a person who violates the Florida Clean Indoor Air Act; providing requirements for the citation; providing that failure to comply with a citation is deemed a waiver of the right to contest the citation; authorizing a law enforcement officer to remove a person from the premises who is in violation of the Florida Clean Indoor Air Act; providing that penalties imposed under the act do not limit other actions by a law enforcement officer or state agency; amending s. 561.695, F.S.; conforming cross-references; providing a penalty for a vendor who knowingly makes a false statement on an annual compliance affidavit; eliminating provisions requiring a stand-alone bar to certify to the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation compliance with certain provisions of the Florida Clean Indoor Air Act; providing additional penalties for a third or subsequent violation of requirements applicable to a stand-alone bar; providing an effective date.

—was read the third time by title.

On motion by Senator Jones, **CS for CS for SB 1308** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

HB 1695—A bill to be entitled An act relating to a public records exemption for the Voluntary Prekindergarten Education Program; creating s. 1002.72, F.S.; creating an exemption from public records requirements for individual records of children enrolled in the Voluntary Prekindergarten Education Program; providing for retroactive application; providing for exceptions to the exemption; providing for future review and repeal; providing a statement of public necessity; providing an effective date.

—was read the third time by title.

On motion by Senator King, **HB 1695** was passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

CS for CS for CS for SB 1366—A bill to be entitled An act relating to storm infrastructure recovery; creating s. 366.8260, F.S.; providing definitions; authorizing electric utilities to petition the Florida Public Service Commission for certain financing orders for certain storm-recovery purposes; providing requirements; providing powers and duties of the commission in issuing such orders; specifying procedures and requirements for the commission in issuing financing orders; authorizing electric utilities to create storm-recovery property; providing for pledge of storm-recovery property to secure storm-recovery bonds; providing for retirement of storm-recovery bonds under certain circumstances; providing for judicial review of such orders; providing for effect of such orders; providing exceptions to commission jurisdiction to issue financing orders; providing limitations; prohibiting the commission from requiring use of storm-recovery bonds for certain purposes; specifying duties of electric utilities; specifying properties, requirements, permissible activities, and limitations relating to storm-recovery property under certain circumstances; providing for security interests in storm-recovery property; providing for perfecting security interests in storm-recovery property; providing for priority of and resolution of conflicting interests; providing requirements, procedures, and limitations for sale, assignment, or transfer of storm-recovery property; providing requirements for descriptions or indications of storm-recovery property transferred, granted, or pledged, or indicated in a financing statement; subjecting financing statements to certain provisions of law; specifying that storm-recovery bonds are not public debt; specifying storm-recovery bonds as legal investments for certain entities; specifying certain state pledges relating to bondholders; declaring certain entities as not electric utilities under certain circumstances; specifying effect of certain provisions in situations of conflict; providing for protecting validity of certain bonds under certain circumstances; providing penalties; amending s. 679.1091, F.S.; specifying nonapplication of secured transactions provisions of the Uniform Commercial Code to interests in storm-recovery property; providing an effective date.

—was read the third time by title.

On motion by Senator Constantine, **CS for CS for CS for SB 1366** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Siplin	Villalobos	Wilson
Smith	Webster	Wise
Nays—None		

CS for SB 484—A bill to be entitled An act relating to health care; amending s. 400.461, F.S.; revising the purpose of part IV of ch. 400, F.S., to include the licensure of nurse registries; amending s. 400.462, F.S.; revising definitions; defining the terms “admission,” “advanced registered nurse practitioner,” “direct employee,” and “physician assistant” for purposes of part IV of ch. 400, F.S.; amending s. 400.464, F.S., relating to licensure of home health agencies; revising the licensure period; revising and providing additional administrative fines; increasing penalties; amending s. 400.471, F.S.; revising requirements for license application by a home health agency; authorizing the Agency for Health Care Administration to revoke a license under certain circumstances; authorizing administrative fines; amending s. 400.487, F.S.; revising requirements for home health agency service agreements and treatment orders; amending s. 400.491, F.S., relating to clinical records; revising the ownership of patient records generated by a home health agency; changing the timeframe for a home health agency to retain patient records; providing for the disposition of patient records when a home health agency ceases business; deleting a requirement for a service provision plan pertaining to nonskilled care; deleting requirements for maintaining such records; amending s. 400.494, F.S.; providing for the continued confidentiality of patient information in compliance with federal law; providing for disclosure in accordance with certain specified state laws; deleting a requirement for written consent of the patient or the patient’s guardian for disclosure of confidential patient information; amending s. 400.506, F.S.; revising requirements governing nurse registries; increasing license fee; increasing the period of licensure; authorizing administrative penalties; providing criminal penalties and sanctions; revising certain requirements pertaining to health care professionals that provide services on behalf of a nurse registry; amending s. 400.512, F.S., relating to employment screening; revising the date in which an annual affidavit must be signed which verifies that certain personnel of a home health agency, a nurse registry, or homemaker service have been screened; amending s. 400.515, F.S.; providing additional circumstances under which the agency may petition for an injunction; providing an effective date.

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

MOTION

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

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

Amendment 1 (500870)(with title amendment)—On page 2, line 29, insert:

Section 1. Paragraph (a) of subsection (2) of section 400.23, Florida Statutes, is amended to read:

400.23 Rules; evaluation and deficiencies; licensure status.—

(2) Pursuant to the intention of the Legislature, the agency, in consultation with the Department of Health and the Department of Elderly Affairs, shall adopt and enforce rules to implement this part, which shall include reasonable and fair criteria in relation to:

(a) The location of the facility and housing conditions that will ensure the health, safety, and comfort of residents, including an adequate call system. In making such rules, the agency shall be guided by criteria recommended by nationally recognized reputable professional groups and associations with knowledge of such subject matters. The agency shall update or revise such criteria as the need arises. The agency may require alterations to a building if it determines that an existing condition constitutes a distinct hazard to life, health, or safety. In performing any inspections of facilities authorized by this part, the agency may enforce the special-occupancy provisions of the Florida Building Code and the Florida Fire Prevention Code which apply to nursing homes. A resident or his or her representative may request a change in the placement of the bed in the resident’s room, provided that at admission he or

she is presented with a room that meets requirements of the Florida Building Code. The location of a bed may be changed if the requested placement does not infringe on the resident's roommate or interfere with the resident's care or safety as determined by the care planning team in accordance with facility policies and procedures. In addition, the bed placement may not be used as a restraint. Each facility shall maintain a log of resident rooms with beds that are not in strict compliance with the Florida Building Code in order for such log to be used by surveyors and nurse monitors during inspections and visits. Any resident or resident representative who requests that a bed be moved shall sign a statement indicating that he or she understands the room will not be in compliance with the Florida Building Code, but would prefer to exercise the right to self-determination. The statement must be retained as part of the resident's care plan. Any facility that offers this option shall submit a letter signed by the nursing home administrator of record to the agency notifying it of this practice with a copy of the facility's policies and procedures. The agency is directed to provide assistance to the Florida Building Commission in updating the construction standards of the code relative to nursing homes.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 2, following the semicolon (;) insert: amending s. 400.23, F.S.; prescribing conditions applicable to requests by nursing home residents or their representatives for bed placement that is not in compliance with building codes;

On motion by Senator Peaden, **CS for SB 484** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

On motion by Senator Fasano, by two-thirds vote **HB 1525** was withdrawn from the Committees on Health Care; and Health and Human Services Appropriations.

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

HB 1525—A bill to be entitled An act relating to elderly affairs; amending s. 430.205, F.S.; deleting provisions relating to implementation plans to integrate certain functions of the Agency for Health Care Administration; providing for development of uniform case management standards within the Aged and Disabled Adult Medicaid waiver program; authorizing, rather than requiring, coordination of acute and chronic medical service between the agency and the Department of Elderly Affairs to be included in the capitated rate for case management services; requiring the agency to consult with the department before adopting rules relating to reimbursement of providers and case management standards; revising provisions relating to certain reimbursement rates; deleting obsolete provisions; providing that evaluation of a specified pilot project relating to elder care is subject to an appropriation; amending s. 430.7031, F.S.; deleting provision that requires the department and agency to review the case files of a specified percentage of Medicaid nursing home residents annually for the purpose of determining whether the residents are able to move to community placements; amending s. 430.705, F.S.; revising eligibility requirements relating to financial solvency for entities that provide services under the long-term care community diversion pilot projects; providing definitions; authorizing the department to make rules; amending s. 430.707, F.S.; requiring

project providers to report quarterly to the department regarding compliance with financial requirements; providing an effective date.

—a companion measure, was substituted for **CS for SB 2364** as amended and read the second time by title. On motion by Senator Fasano, by two-thirds vote **HB 1525** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

SB 288—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 311.13, F.S., relating to an exemption from public records requirements for seaport security plans; saving the exemption from repeal under the Open Government Sunset Review Act; deleting provisions that provide for the repeal of the exemption; providing an effective date.

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

On motion by Senator Diaz de la Portilla, **SB 288** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

HB 977—A bill to be entitled An act relating to the regulation of airports; amending s. 330.30, F.S.; prohibiting the Department of Transportation from renewing or reissuing licenses to certain general aviation airports that fail to develop a security plan; requiring that the plans be consistent with certain published guidelines; requiring certain information in the plans to be submitted to the Department of Law Enforcement; requiring periodic update of the plans; providing an effective date.

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

On motion by Senator Campbell, **HB 977** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

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

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

Nays—None

HB 1729—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 1009.981, F.S.; revising a public records exemption for the Florida College Savings Program; narrowing the exemption; deleting provisions that provide for repeal of the exemption under the Open Government Sunset Review Act; providing an effective date.

—was read the third time by title.

On motion by Senator Lynn, **HB 1729** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Consideration of **CS for SB 1154** was deferred.

CS for SB 1748—A bill to be entitled An act relating to agricultural water conservation; requiring each water management district to review rule criteria for environmental resource permits, existing permit exemptions, and alternatives to standard permitting programs and recommend regulatory alternatives that will encourage agricultural water conservation; requiring a report by the Department of Agriculture and Consumer Services and the Department of Environmental Protection to the appropriate legislative committees; amending s. 373.236, F.S.; authorizing the issuance of permits for agricultural production for a specified period for uses that replace a water supply source that has been impacted by water-use withdrawals; amending s. 373.406, F.S.; providing that an exemption provided for activities having minimal adverse impact does not apply to any activities that are conducted as mitigation for wetland or other surface water impacts; amending s. 373.2234, F.S.; conforming a cross-reference; providing an effective date.

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

On motion by Senator Smith, **CS for SB 1748** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Alexander	Campbell	Diaz de la Portilla
Argenziano	Carlton	Dockery
Aronberg	Clary	Fasano
Atwater	Constantine	Garcia
Baker	Crist	Geller
Bennett	Dawson	Haridopolos

Hill	Miller	Siplin
Jones	Peaden	Smith
King	Posey	Villalobos
Klein	Pruitt	Webster
Lawson	Rich	Wise
Lynn	Saunders	
Margolis	Sebesta	

Nays—None

Vote after roll call:

Yea—Bullard

HB 1483—A bill to be entitled An act relating to tax refund programs for qualified defense contractors and target industry businesses; amending s. 288.095, F.S.; specifying an order of payment of claims for certain tax refunds; providing duties of the Office of Tourism, Trade, and Economic Development in paying certain tax refunds from appropriations; deleting a provision for the office to determine proportions of certain refunds under circumstances of insufficient appropriations; revising certain reporting requirements for Enterprise Florida, Inc.; amending s. 288.1045, F.S.; revising the definition of the term “jobs”; including state communications services taxes under qualified defense contractor tax refund program provisions; specifying nonapplication to certain taxes; providing for retroactive effect; authorizing the office to make supplemental tax refund payments for certain purposes; revising certification application requirements; permitting a qualified applicant to seek an economic-stimulus exemption due to the effects of the impact of a named hurricane or tropical storm; extending the period of the exemption; changing the exemption application deadline; clarifying the cap on tax refunds; providing for a waiver of the local financial support requirement in certain circumstances and for a limited time; revising the program expiration date; amending s. 288.106, F.S.; including state communications services taxes under qualified target industry business tax refund program provisions; specifying nonapplication to certain taxes; providing for retroactive effect; authorizing the office to make supplemental tax refund payments for certain purposes; revising application requirements; permitting a business to seek an economic-stimulus exemption due to the effects of the impact of a named hurricane or tropical storm; extending the period of the exemption; changing the exemption application deadline; providing for a waiver of the local financial support requirement in certain circumstances and for a limited time; revising the program expiration date; requiring the office to attempt to amend certain existing tax refund agreements; providing an effective date.

—was read the third time by title.

On motion by Senator Saunders, **HB 1483** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

CS for SB 124—A bill to be entitled An act relating to motor vehicle insurance for foster children; creating a pilot program for the purpose of reimbursing foster parents, residential facilities, or foster children who live independently for a portion of the increased costs of motor vehicle insurance for a foster child who has a driver’s license; directing the Department of Children and Family Services to establish the pilot pro-

Yeas—39

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

Nays—None

RECESS

On motion by Senator Pruitt, the Senate recessed at 12:40 p.m. to reconvene at 1:45 p.m. or upon call of the President.

AFTERNOON SESSION

The Senate was called to order by the President at 2:04 p.m. A quorum present—40:

Mr. President	Diaz de la Portilla	Peaden
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	

BILLS ON THIRD READING, continued

SB 1502—A bill to be entitled An act relating to driver's license applications; amending s. 322.08, F.S.; allowing applicants to make a \$1 contribution to the Children's Hearing Help Fund; providing an effective date.

—was read the third time by title.

On motion by Senator Fasano, **SB 1502** was passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

CS for CS for SB 518—A bill to be entitled An act relating to health professionals treating speech or hearing disorders; amending s. 468.1155, F.S.; revising requirements for the Department of Health in issuing a provisional license to practice speech-language pathology or audiology; revising licensing requirements for applicants who graduated, or who are currently enrolled, in a speech-language pathology or audiology program at a university located outside of the United States or Canada; authorizing the Board of Speech-Language Pathology and Audiology to waive certain requirements for applicants who received professional education in another country under certain circumstances; amending s. 468.1165, F.S.; revising requirements for applicants to obtain professional employment in order to be licensed by the department to practice speech-language pathology or audiology; amending s. 468.1185, F.S.; revising requirements for the department to issue a license to an applicant to practice speech-language pathology or audiology; amending s. 468.1215, F.S.; revising requirements for a person to be certified as an audiology assistant; requiring an audiologist or speech-language pathologist to give an assistant a board-approved plan for training and to maintain responsibility for services performed by the assistant; providing an effective date.

—was read the third time by title.

On motion by Senator Peaden, **CS for CS for SB 518** was passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

Consideration of **CS for SB 2412** was deferred.

CS for CS for SB 662—A bill to be entitled An act relating to hospitals; creating a commission to study the effect of the 2004 hurricane season on certain hospitals and identify hospitals unable to comply with the Florida Building Code or located in flood-prone areas; providing for membership, reimbursement, and duties of the study commission; requiring the Department of Community Affairs to provide staff for the study commission; requiring the commission to submit a report and recommendations to the Governor and the Legislature; creating a high-deductible-health-insurance plan study group; specifying membership; requiring the study group to investigate certain issues relating to high-deductible health insurance plans; requiring the group to meet and submit recommendations to the Governor and Legislature; directing the Office of Program Policy Analysis and Government Accountability to conduct a study to evaluate whether the State of Florida should join the Nurse Licensure Compact; providing an effective date.

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

Senator Clary moved the following amendment:

Amendment 1 (171524)—On page 4, line 17 through page 5, line 2, delete those lines and insert:

Section 2. (1) A 13-member high-deductible-health-insurance plan study group is created, to be composed of:

(a) Three representatives of employers offering high-deductible health plans to their employees, one of whom shall be a small employer as

defined in section 627.6699, Florida Statutes, who shall be appointed by the Florida Chamber of Commerce.

(b) Three representatives of commercial health plans, to be appointed by America's Health Insurance Plans.

(c) Three representatives of hospitals, to be appointed by the Florida Hospital Association.

(d) Two physician representatives, one to be appointed by the Florida Medical Association and one to be appointed by the Florida Osteopathic Medical Association.

(e) The Secretary of the Health Care Administration, who shall serve as co-chair.

(f) The Director of the Office of Insurance Regulation, who shall serve as co-chair.

On motion by Senator Clary, further consideration of CS for CS for SB 662 with pending Amendment 1 (171524) was deferred.

CS for SB 1602—A bill to be entitled An act relating to state tax funds; amending s. 213.756, F.S.; establishing a burden of proof for certain refund claims; establishing a measure of damages for certain refund claims; specifying an affirmative defense to certain actions by a purchaser to recover taxes or for a refund of taxes; providing application; providing construction; providing severability; providing for retroactive application; providing an effective date.

—was read the third time by title.

On motion by Senator Baker, CS for SB 1602 was passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 401—A bill to be entitled An act relating to Southwest Florida transportation; creating pt. X of ch. 348, F.S., titled "Southwest Florida Expressway Authority"; providing a popular name; providing definitions; creating the Southwest Florida Expressway Authority encompassing Collier and Lee Counties; providing for a governing body of the authority; providing for membership; establishing a process for Charlotte County to participate in the authority; providing purposes and powers; providing for the Southwest Florida Transportation System; requiring the approval of specified county commissions before approval of a project within the geographical boundaries of those counties; prohibiting authority involvement with a certain road development; providing for procurement; providing bond financing authority for improvements; providing for bonds of the authority; providing for fiscal agents; providing the State Board of Administration may act as fiscal agent; providing for certain financial agreements; providing for a lease-purchase agreement with the Department of Transportation; providing the department may be appointed agent of authority for construction; providing for acquisition of lands and property; providing for cooperation with other units, boards, agencies, and individuals; providing covenant of the state; providing for exemption from taxation; providing for eligibility for investments and security; providing pledges shall be enforceable by bondholders; providing for construction and application; providing legislative

intent regarding changes; providing for future expiration of the act; providing a contingent effective date.

—was read the third time by title.

On motion by Senator Saunders, HB 401 was passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

CS for SB 822—A bill to be entitled An act relating to the state group insurance program; amending s. 110.123, F.S.; revising the terms "state group insurance program" and "surviving spouse" and defining the term "TRICARE supplemental insurance plan"; including the TRICARE supplemental insurance plan within the state group insurance program; requiring the Department of Management Services to purchase health care for employees under the TRICARE supplemental insurance plan; authorizing a surviving spouse to elect to continue coverage under the TRICARE supplemental insurance plan; providing that an enrollee in the TRICARE supplemental insurance plan may change to any other state health plan during open enrollment; providing an effective date.

—was read the third time by title.

On motion by Senator Crist, CS for SB 822 was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Argenziano, Baker

HB 19—A bill to be entitled An act relating to motor vehicle driving privilege requirements; amending s. 320.055, F.S.; providing for a 6-month vehicle registration for persons reinstating a driver's license that has been suspended for driving under the influence; requiring the Department of Highway Safety and Motor Vehicles to issue 6-month vehicle registration certificates and validation stickers; specifying the amount of taxes and charges which must be paid; amending s. 324.131, F.S.; requiring persons whose license or registration has been suspended or revoked due to a violation of driving under the influence to maintain,

for 3 years, certain noncancelable liability coverage; authorizing the Department of Highway Safety and Motor Vehicles to adopt a form for proof of such coverage; amending s. 627.7275, F.S.; requiring insurers to make bodily injury, death, and property damage liability coverage that is noncancelable for a certain period available to certain applicants seeking coverage for reinstatement of driving privileges revoked or suspended for driving under the influence; authorizing insurers to cancel certain motor vehicle insurance policies under certain circumstances; providing that insurers are not required to offer insurance policies under certain circumstances; providing an effective date.

—was read the third time by title.

On motion by Senator Wise, **HB 19** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Baker

HB 205—A bill to be entitled An act relating to contraband and counterfeit cigarettes; providing additional regulatory and enforcement measures; amending s. 210.01, F.S.; revising and providing definitions; amending s. 210.021, F.S.; directing the Secretary of Business and Professional Regulation to require certain dealers and agents to remit the tax on cigarettes by certified check or electronic funds transfer; requiring the Division of Alcoholic Beverages and Tobacco of the department to adopt rules governing the payment of taxes by electronic funds transfer; amending s. 210.06, F.S.; revising requirements for and limitations on the affixation of stamps; providing requirements with respect to receipt, possession, storage, and transport of unstamped cigarette packages; amending s. 210.08, F.S.; revising the amount of the surety bond, certificate of deposit, or irrevocable letter of credit required by the division as surety for the payment of cigarette taxes; creating s. 210.085, F.S.; requiring manufacturers, importers, distributing agents, dealers, and retail dealers to hold a current, valid permit to sell, distribute, or receive cigarettes; amending s. 210.09, F.S.; providing notice and filing guidelines for certain persons shipping unstamped cigarette packages; authorizing certain law enforcement officials to inspect certain shipping vehicles; providing for application to and records requirements of manufacturers and importers; amending s. 210.12, F.S.; authorizing the state to claim certain property and materials from certain dealers and retailers who attempt to defraud the state; authorizing the destruction of certain cigarettes; amending s. 210.15, F.S.; providing criteria for permit application; prohibiting issuance, maintenance, or renewal of certain permits for certain applicants; providing guidelines for permit application denial; amending s. 210.16, F.S.; revising the authority of the Division of Alcoholic Beverages and Tobacco to revoke or suspend the permits of certain persons under certain circumstances; revising a penalty period for revoked permits; increasing a civil penalty; amending s. 210.18, F.S.; expanding the group of violators subject to criminal liability; expanding the list of persons required to report seizures of unstamped cigarettes; requiring the division to keep certain records; providing for seizure of counterfeit cigarettes and related machinery; making unlawful the selling or possessing with intent to sell counterfeit cigarettes; providing criminal penalties; providing for destruction of counterfeit cigarettes; creating s. 210.181, F.S.; providing civil penalties for failure to comply with certain duties or pay certain taxes; reenacting ss. 772.102(1)(a) and 895.02(1)(a), F.S., relating to crimes constituting

a “criminal activity” and definitions as used in the Florida RICO Act, to incorporate the amendment to s. 210.18, F.S., in references thereto; providing an effective date.

—was read the third time by title.

On motion by Senator Haridopolos, **HB 205** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Villalobos

SB 1448—A bill to be entitled An act relating to the redevelopment of brownfields; amending ss. 199.1055, 220.1845, and 376.30781, F.S.; increasing the amount of credit which may be applied against the tax on intangible personal property and the corporate income tax for the voluntary cleanup costs of a contaminated site; increasing the amount that may be received by the taxpayer as an incentive to complete the cleanup in the final year; amending s. 288.9015, F.S.; requiring Enterprise Florida, Inc., to aggressively market brownfields; amending s. 376.86, F.S., relating to the Brownfield Areas Loan Guarantee Program; increasing the amount of the loan guarantee for redevelopment projects in brownfield areas; repealing ss. 376.87 and 376.875, F.S., relating to brownfield property ownership clearance assistance and the Brownfield Property Ownership Clearance Assistance Revolving Loan Trust Fund; providing an effective date.

—was read the third time by title.

On motion by Senator Constantine, **SB 1448** was passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 255—A bill to be entitled An act relating to rabies vaccination; amending s. 828.30, F.S.; revising requirements for the frequency of rabies vaccination for specified animals; revising rabies vaccination certificate requirements; deleting an obsolete provision; prohibiting local governments from mandating revaccination of currently vaccinated ani-

mals except in specified instances; providing legislative findings; providing an effective date.

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

On motion by Senator Rich, **HB 255** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

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.

—was read the third time by title.

On motion by Senator Sebesta, **CS for SB 658** was passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

On motion by Senator Baker, by two-thirds vote **HB 233** was withdrawn from the Committees on Criminal Justice; Judiciary; and Justice Appropriations.

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

HB 233—A bill to be entitled An act relating to unlawful killing of an unborn quick child; amending s. 316.193, F.S.; including the death of an unborn quick child under DUI manslaughter; amending s. 782.09, F.S.; providing that the unlawful killing of an unborn quick child by injury to the mother that would be murder in any degree if it resulted in the death of the mother is murder in the same degree; providing that the unlawful killing of an unborn quick child by injury to the mother that would be

manslaughter if it resulted in the death of the mother is manslaughter; providing an exception for acts by the mother; providing penalties; providing that the death of the mother does not bar prosecution under specified circumstances; providing that the section does not authorize prosecution of a person in connection with a termination of pregnancy; amending ss. 435.03 and 435.04, F.S., to conform language to changes made by this act to s. 782.09, F.S.; reenacting s. 921.0022(3)(h) and (i), F.S., to incorporate the amendment to s. 316.193, F.S., in references thereto; reenacting s. 316.656(1) and (2)(b), F.S., relating to mandatory adjudication, to incorporate the amendment to s. 316.193, F.S., in references thereto; reenacting s. 947.146(3)(j), F.S., relating to the Control Release Authority, to incorporate the amendment to s. 316.193, F.S., in a reference thereto; providing applicability; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1526** and read the second time by title, and by two-thirds vote read the third time by title.

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

Amendment 1 (305800)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (3) of section 316.193, Florida Statutes, is amended to read:

316.193 Driving under the influence; penalties.—

- (3) Any person:
 - (a) Who is in violation of subsection (1);
 - (b) Who operates a vehicle; and
 - (c) Who, by reason of such operation, causes or contributes to causing:
 - 1. Damage to the property or person of another commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.
 - 2. Serious bodily injury to another, as defined in s. 316.1933, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
 - 3. The death of any human being or unborn quick child commits DUI manslaughter, and commits:
 - a. A felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
 - b. A felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if:
 - (I) At the time of the crash, the person knew, or should have known, that the crash occurred; and
 - (II) The person failed to give information and render aid as required by s. 316.062.

For purposes of this subsection, the definition of the term “unborn quick child” shall be determined in accordance with the definition of viable fetus as set forth in s. 782.071.

Section 2. Section 782.09, Florida Statutes, is amended to read:

782.09 Killing of unborn quick child by injury to mother.—

- (1) The unlawful ~~willful~~ killing of an unborn quick child, by any injury to the mother of such child which would be murder if it resulted in the death of such mother, shall be deemed *murder in the same degree as that which would have been committed against the mother. Any person, other than the mother, who unlawfully kills an unborn quick child by any injury to the mother:*
 - (a) Which would be murder in the first degree constituting a capital felony if it resulted in the mother’s death commits murder in the first degree constituting a capital felony, punishable as provided in s. 775.082.

Section 2. Section 782.09, Florida Statutes, is amended to read:

782.09 Killing of unborn quick child by injury to mother.—

- (1) The unlawful ~~willful~~ killing of an unborn quick child, by any injury to the mother of such child which would be murder if it resulted in the death of such mother, shall be deemed *murder in the same degree as that which would have been committed against the mother. Any person, other than the mother, who unlawfully kills an unborn quick child by any injury to the mother:*
 - (a) Which would be murder in the first degree constituting a capital felony if it resulted in the mother’s death commits murder in the first degree constituting a capital felony, punishable as provided in s. 775.082.

Section 2. Section 782.09, Florida Statutes, is amended to read:

- (1) The unlawful ~~willful~~ killing of an unborn quick child, by any injury to the mother of such child which would be murder if it resulted in the death of such mother, shall be deemed *murder in the same degree as that which would have been committed against the mother. Any person, other than the mother, who unlawfully kills an unborn quick child by any injury to the mother:*
 - (a) Which would be murder in the first degree constituting a capital felony if it resulted in the mother’s death commits murder in the first degree constituting a capital felony, punishable as provided in s. 775.082.

(b) Which would be murder in the second degree if it resulted in the mother's death commits murder in the second degree, a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) Which would be murder in the third degree if it resulted in the mother's death commits murder in the third degree ~~manslaughter~~, a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) The unlawful killing of an unborn quick child by any injury to the mother of such child which would be manslaughter if it resulted in the death of such mother shall be deemed manslaughter. A person who unlawfully kills an unborn quick child by any injury to the mother which would be manslaughter if it resulted in the mother's death commits manslaughter, a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) The death of the mother resulting from the same act or criminal episode that caused the death of the unborn quick child does not bar prosecution under this section.

(4) This section does not authorize the prosecution of any person in connection with a termination of pregnancy pursuant to chapter 390.

(5) For purposes of this section, the definition of the term "unborn quick child" shall be determined in accordance with the definition of viable fetus as set forth in s. 782.071.

Section 3. Paragraph (g) of subsection (2) of section 435.03, Florida Statutes, is amended to read:

435.03 Level 1 screening standards.—

(2) Any person for whom employment screening is required by statute must not have been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense prohibited under any of the following provisions of the Florida Statutes or under any similar statute of another jurisdiction:

(g) Section 782.09, relating to killing of an unborn quick child by injury to the mother.

Section 4. Paragraph (g) of subsection (2) of section 435.04, Florida Statutes, is amended to read:

435.04 Level 2 screening standards.—

(2) The security background investigations under this section must ensure that no persons subject to the provisions of this section have been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense prohibited under any of the following provisions of the Florida Statutes or under any similar statute of another jurisdiction:

(g) Section 782.09, relating to killing of an unborn quick child by injury to the mother.

Section 5. For the purpose of incorporating the amendment to s. 316.193, Florida Statutes, in a reference thereto, paragraphs (h) and (i) of subsection (3) of section 921.0022, Florida Statutes, are reenacted to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(h) LEVEL 8
316.193 (3)(c) 3.a.	2nd	DUI manslaughter.
316.1935(4)(b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
327.35(3)(c)3.	2nd	Vessel BUI manslaughter.
499.0051(7)	1st	Forgery of prescription or legend drug labels.

Florida Statute	Felony Degree	Description
499.0052	1st	Trafficking in contraband legend drugs.
560.123(8)(b)2.	2nd	Failure to report currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000 by money transmitter.
560.125(5)(b)	2nd	Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.
655.50(10)(b)2.	2nd	Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.
777.03(2)(a)	1st	Accessory after the fact, capital felony.
782.04(4)	2nd	Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aircraft piracy, or unlawfully discharging bomb.
782.051(2)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).
782.071(1)(b)	1st	Committing vehicular homicide and failing to render aid or give information.
782.072(2)	1st	Committing vessel homicide and failing to render aid or give information.
790.161(3)	1st	Discharging a destructive device which results in bodily harm or property damage.
794.011(5)	2nd	Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.
800.04(4)	2nd	Lewd or lascivious battery.
806.01(1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
810.02(2)(a)	1st, PBL	Burglary with assault or battery.
810.02(2)(b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.
810.02(2)(c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
812.014(2)(a)2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
812.13(2)(b)	1st	Robbery with a weapon.
812.135(2)(c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
817.568(6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
825.102(2)	2nd	Aggravated abuse of an elderly person or disabled adult.
825.1025(2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
825.103(2)(a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.
837.02(2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
837.021(2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.	316.193 (3)(c)3.b.	1st	DUI manslaughter; failing to render aid or give information.
860.121(2)(c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.	327.35(3)(c)3.b.	1st	BUI manslaughter; failing to render aid or give information.
860.16	1st	Aircraft piracy.	499.0053	1st	Sale or purchase of contraband legend drugs resulting in great bodily harm.
893.13(1)(b)	1st	Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).	560.123(8)(b)3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
893.13(2)(b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).	560.125(5)(c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).	655.50(10)(b)3.	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.	775.0844	1st	Aggravated white collar crime.
893.135 (1)(b)1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.	782.04(1)	1st	Attempt, conspire, or solicit to commit premeditated murder.
893.135 (1)(c)1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.	782.04(3)	1st, PBL	Accomplice to murder in connection with arson, sexual battery, robbery, burglary, and other specified felonies.
893.135 (1)(d)1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.	782.051(1)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3).
893.135 (1)(e)1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.	782.07(2)	1st	Aggravated manslaughter of an elderly person or disabled adult.
893.135 (1)(f)1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.	787.01(1)(a)1.	1st, PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.
893.135 (1)(g)1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.	787.01(1)(a)2.	1st, PBL	Kidnapping with intent to commit or facilitate commission of any felony.
893.135 (1)(h)1.b.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.	787.01(1)(a)4.	1st, PBL	Kidnapping with intent to interfere with performance of any governmental or political function.
893.135 (1)(j)1.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.	787.02(3)(a)	1st	False imprisonment; child under age 13; perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.
893.135 (1)(k)2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.	790.161	1st	Attempted capital destructive device offense.
895.03(1)	1st	Use or invest proceeds derived from pattern of racketeering activity.	790.166(2)	1st, PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.
895.03(2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.	794.011(2)	1st	Attempted sexual battery; victim less than 12 years of age.
895.03(3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.	794.011(2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
896.101(5)(b)	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.	794.011(4)	1st	Sexual battery; victim 12 years or older, certain circumstances.
896.104(4)(a)2.	2nd	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$20,000 but less than \$100,000.	794.011(8)(b)	1st	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
		(i) LEVEL 9	800.04(5)(b)	1st	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
			812.13(2)(a)	1st, PBL	Robbery with firearm or other deadly weapon.
			812.133(2)(a)	1st, PBL	Carjacking; firearm or other deadly weapon.
			812.135(2)(b)	1st	Home-invasion robbery with weapon.

Florida Statute	Felony Degree	Description
817.568(7)	2nd, PBL	Fraudulent use of personal identification information of an individual under the age of 18 by his or her parent, legal guardian, or person exercising custodial authority.
827.03(2)	1st	Aggravated child abuse.
847.0145(1)	1st	Selling, or otherwise transferring custody or control, of a minor.
847.0145(2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
859.01	1st	Poisoning or introducing bacteria, radioactive materials, viruses, or chemical compounds into food, drink, medicine, or water with intent to kill or injure another person.
893.135	1st	Attempted capital trafficking offense.
893.135(1)(a)3.	1st	Trafficking in cannabis, more than 10,000 lbs.
893.135 (1)(b)1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
893.135 (1)(c)1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
893.135 (1)(d)1.c.	1st	Trafficking in phencyclidine, more than 400 grams.
893.135 (1)(e)1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.
893.135 (1)(f)1.c.	1st	Trafficking in amphetamine, more than 200 grams.
893.135 (1)(h)1.c.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.
893.135 (1)(j)1.c.	1st	Trafficking in 1,4-Butanediol, 10 kilograms or more.
893.135 (1)(k)2.c.	1st	Trafficking in Phenethylamines, 400 grams or more.
896.101(5)(c)	1st	Money laundering, financial instruments totaling or exceeding \$100,000.
896.104(4)(a)3.	1st	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$100,000.

Section 6. For the purpose of incorporating the amendment to section 316.193, Florida Statutes, in a reference thereto, subsection (1) of section 316.656, Florida Statutes, is reenacted to read:

316.656 Mandatory adjudication; prohibition against accepting plea to lesser included offense.—

(1) Notwithstanding the provisions of s. 948.01, no court may suspend, defer, or withhold adjudication of guilt or imposition of sentence for any violation of s. 316.193, for manslaughter resulting from the operation of a motor vehicle, or for vehicular homicide.

Section 7. For the purpose of incorporating the amendment to section 316.193, Florida Statutes, in a reference thereto, paragraph (j) of subsection (3) of section 947.146, Florida Statutes, is reenacted to read:

947.146 Control Release Authority.—

(3) Within 120 days prior to the date the state correctional system is projected pursuant to s. 216.136 to exceed 99 percent of total capacity, the authority shall determine eligibility for and establish a control release date for an appropriate number of parole ineligible inmates committed to the department and incarcerated within the state who have been determined by the authority to be eligible for discretionary early release pursuant to this section. In establishing control release dates, it is the intent of the Legislature that the authority prioritize consideration of eligible inmates closest to their tentative release date. The authority shall rely upon commitment data on the offender information system maintained by the department to initially identify inmates who are to be reviewed for control release consideration. The authority may use a method of objective risk assessment in determining if an eligible inmate should be released. Such assessment shall be a part of the department's management information system. However, the authority shall have sole responsibility for determining control release eligibility, establishing a control release date, and effectuating the release of a sufficient number of inmates to maintain the inmate population between 99 percent and 100 percent of total capacity. Inmates who are ineligible for control release are inmates who are parole eligible or inmates who:

(j) Are convicted, or have been previously convicted, of DUI manslaughter under s. 316.193(3)(c)3., and are sentenced, or have been sentenced at any time, as a habitual offender for such offense, or have been sentenced at any time in another jurisdiction as a habitual offender for such offense;

In making control release eligibility determinations under this subsection, the authority may rely on any document leading to or generated during the course of the criminal proceedings, including, but not limited to, any presentence or postsentence investigation or any information contained in arrest reports relating to circumstances of the offense.

Section 8. For the purpose of incorporating the amendment to section 316.193, Florida Statutes, in a reference thereto, paragraph (b) of subsection (3) of section 960.03, Florida Statutes, is reenacted to read:

960.03 Definitions; ss. 960.01-960.28.—As used in ss. 960.01-960.28, unless the context otherwise requires, the term:

(3) "Crime" means:

(b) A violation of s. 316.193, s. 316.027(1), s. 327.35(1), s. 782.071(1)(b), or s. 860.13(1)(a) which results in physical injury or death; however, no other act involving the operation of a motor vehicle, boat, or aircraft which results in injury or death shall constitute a crime for the purpose of this chapter unless the injury or death was intentionally inflicted through the use of such vehicle, boat, or aircraft or unless such vehicle, boat, or aircraft is an implement of a crime to which this act applies.

Section 9. This act shall take effect October 1, 2005, and shall apply to offenses committed on or after that date.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to homicide of an unborn quick child; amending s. 316.193, F.S.; including the death of an unborn quick child under DUI manslaughter; adopting the definition of viable fetus for purposes of this offense; amending s. 782.09, F.S.; providing that killing an unborn quick child by injury to the mother which would be murder in any degree if it resulted in the death of the mother is murder in the same degree; providing penalties; providing that the unlawful killing of an unborn quick child by injury to the mother which would be manslaughter if it resulted in the death of the mother is manslaughter; providing penalties; providing that the death of the mother does not bar prosecution under specified circumstances; providing that the section does not authorize prosecution of a person in connection with a termination of pregnancy; adopting the definition of viable fetus for purposes of this offense; amending ss. 435.03 and 435.04, F.S., to conform provisions to changes made by the amendments to s. 782.09, F.S.; reenacting s. 921.0022(3)(h) and (i), F.S., relating to the Criminal Punishment Code offense severity ranking chart, to incorporate the amendment to s. 316.193, F.S., in references thereto; reenacting s. 316.656(3), F.S., relating to mandatory adjudication, to incorporate the amendment to s. 316.193, F.S., in a reference thereto; reenacting s. 947.146(3)(j), F.S., relating to the Control Release Authority, to incorporate the amendment to s. 316.193, F.S., in a reference thereto; reenacting s. 960.03(3)(b), F.S., relating to the definition of

“crime” under the Florida Crimes Compensation Act, to incorporate the amendment to s. 316.193, F.S., in a reference thereto; providing an effective date.

On motion by Senator Baker **HB 233** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

CS for CS for SB 192—A bill to be entitled An act relating to advertising for legal services; creating s. 454.37, F.S., relating to advertising for legal services in print or electronic media; defining the terms “electronic media” and “lawyer referral service”; requiring advertisements and unsolicited written communications for legal services disseminated in Florida by certain entities to comply with the rules regulating The Florida Bar; requiring a specific statement to accompany advertisements for legal services and unsolicited written communications by lawyer-referral services; requiring an affidavit certifying certain information to accompany an advertisement for legal services submitted by an attorney licensed in this state, a business entity organized under the rules regulating The Florida Bar, a lawyer licensed out-of-state, a law firm owned by a lawyer licensed out-of-state, a lawyer-referral service, or a group or legal plan; requiring that such advertisement be filed with The Florida Bar; requiring that such advertisements be accompanied by a sworn statement certifying that the advertisement complies with the standards required for advertisements placed by lawyers licensed in this state; requiring The Florida Bar to retain certain copies of advertisements for a specified period; providing for civil penalties and for enforcement; providing that false, deceptive, or misleading advertising of legal services is an unfair and deceptive trade practice; specifying that the act is cumulative and does not repeal any other law, rule, or penalty; providing an effective date.

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

On motion by Senator Campbell, **CS for CS for SB 192** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

CS for SB 976—A bill to be entitled An act relating to hazard mitigation for coastal redevelopment; amending s. 163.3164, F.S.; defining the term “local mitigation strategy” for purposes of the Local Government Comprehensive Planning and Land Development Regulation Act; amending s. 163.3177, F.S.; providing an additional requirement for a local government’s comprehensive plan concerning hazard mitigation; amending s. 163.3178, F.S.; revising provisions with respect to coastal management; authorizing a demonstration project in certain counties to allow for the redevelopment of coastal areas within the designated coastal high-hazard area; providing conditions; providing for application by a local government; providing for a written agreement between the state land planning agency and the local government; providing for a progress report to the Governor and the Legislature; amending ss. 186.515, 288.975, and 369.303, F.S.; correcting cross-references to conform; providing an effective date.

—was read the third time by title.

On motion by Senator Jones, **CS for SB 976** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

CS for SB 720—A bill to be entitled An act relating to health care; amending s. 400.506, F.S.; deleting the requirement that a registered nurse referred by a nurse registry make monthly visits to a patient; amending ss. 413.402 and 413.4021, F.S.; making permanent the program for personal care attendants for spinal cord injury victims; providing powers and duties of the Department of Health with respect to the program; providing criteria for participation in the program; providing for an oversight workgroup; increasing the percentage of revenues collected from persons who fail to remit sales tax which shall be deposited into the Florida Endowment Foundation for Vocational Rehabilitation for the purpose of administering the program; deleting obsolete provisions to conform; providing an effective date.

—was read the third time by title.

On motion by Senator Wise, **CS for SB 720** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Saunders

Consideration of **CS for SB 2006**, **CS for SB 530** and **SB 752** was deferred.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Pruitt, the rules were waived and the Committee on Education Appropriations was granted permission to meet from 8:00 a.m. until 9:30 a.m., Friday, April 29 to consider **CS for SB 2480**. A deadline of 5:00 p.m. this day was set for filing amendments.

BILLS ON THIRD READING, continued

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

—was read the third time by title.

On motion by Senator Campbell, **CS for SB 1300** was passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

CS for 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 appropriations; providing an effective date.

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

On motion by Senator Argenziano, **CS for CS for SB 1914** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Lynn

CS for SB 2412—A bill to be entitled An act relating to viatical settlements; amending s. 517.021, F.S.; revising and providing definitions; creating s. 517.072, F.S.; specifying nonapplication of certain exemptions to viatical settlement investments; specifying the offering of a viatical settlement investment as not an exempt transaction under certain provisions of law; amending s. 517.081, F.S.; authorizing the Financial Services Commission to adopt additional rules relating to securities registration; authorizing the commission to adopt rules establishing requirements and standards for disclosures and records relating to viatical settlement investments; creating s. 517.1215, F.S.; requiring the commission to adopt rules specifying requirements for certain investment advisors; requiring the commission to establish by rule rules of conduct and prohibited business practices for investment advisers and associated persons; providing requirements; creating s. 517.1217, F.S.; authorizing the commission to establish by rule rules of conduct and prohibited business practices for dealers and associated persons; providing requirements; amending s. 624.501, F.S.; including agents making an appointment under certain life insurance agent fee provisions; amending ss. 626.015, 626.112, 626.207, and 626.331, F.S., to conform; amending s. 626.611, F.S.; providing an additional ground for compulsory refusal, suspension, or revocation of certain licenses or appointments for transactions relating to viatical settlement contracts; amending s. 626.777, F.S., to conform; amending s. 626.7845, F.S.; prohibiting certain activities by a person relating to viatical settlement contracts unless he or she is a licensed life agent; amending s. 626.9911, F.S.; revising definitions; amending s. 626.9912, F.S., to conform; amending s. 626.9913, F.S.; specifying additional requirements for annual statements by viatical settlement provider licensees; providing an alternative bond provision for certain viatical settlement providers for a certain time period; prohibiting certain persons from levying upon certain assets or securities under certain circumstances; amending s. 626.9914, F.S.; including the authority to deny a license among the adverse actions the Office of Insurance Regulation may take against a viatical settlement provider for certain actions; amending s. 626.9916, F.S.; revising licensure requirements for viatical settlement brokers; providing for self-appointment; providing for transfers of appointments; providing for termination of licenses; specifying a fiduciary duty of viatical settlement brokers; prohibiting dividing or sharing compensation received by a life agent for certain activities under certain circumstances; creating s. 626.99175, F.S.; requiring registration to operate as a life expectancy provider; providing registration for requirements; requiring certain application information; requiring registered life expectancy providers to periodically file audits with the office; providing audit requirements; authorizing certain subsidiaries of life expectancy providers to operate as a provider under certain circumstances; prohibiting certain providers, brokers, and agents from owning or being an officer, director, or employee of a life expectancy provider; requiring providers to provide the office with advance notice of certain changes; requiring providers to retain copies of certain information and documents; providing an exception; providing procedures for approval or denial of applications; specifying grounds for denial of an application; authorizing the office to assess administrative fines under certain circumstances; authorizing the office to place a provider on probation for a certain period; specifying certain activities violations; amending ss. 626.9919, 626.992, and 626.9921, F.S., to conform; amending s. 626.9922, F.S.; specifying office jurisdiction over certain viatical settlement purchase agreements; authorizing the office to refer certain cases to the United States Securities and Exchange Commission for administrative action under certain circumstances; providing application to life expectancy providers; amending ss. 626.99245, 626.9925, 626.9926, and 626.9927, F.S., to conform; amending s. 626.99275, F.S.; revising prohibited practices to apply to issuing life expectancies and change a viator's residency for certain purposes; providing a criminal penalty; amending s. 626.99278, F.S.; providing for application to registered life expectancy providers; requiring an anti-fraud plan to include a description of procedures used to perform life expectancy accuracy reviews; amending ss. 626.9928 and 626.99285, F.S., to conform; amending s. 626.99295, F.S.; revising application of a grace period for certain viatical settlement purchase agreements; repealing s. 626.9917, F.S., relating to denial, suspension, revocation, or nonrenewal of viatical settlement broker licenses; repealing s. 626.9918, F.S., relating to effect of suspension or revocation of viatical settlement broker licenses; repealing s. 626.99235, F.S., relating to disclosures to

viatical settlement purchasers; repealing s. 626.99236, F.S., relating to further disclosures to viatical settlement purchasers; repealing s. 626.99277, F.S., relating to false representations; providing an effective date.

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

MOTION

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

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

Amendment 1 (095000)—On page 7, line 20, after “230.144A(a)” insert: , or to an accredited investor as defined by Rule 501 of Regulation D of the Securities Act Rules

REMARKS

On motion by the Senator Posey, the following remarks were ordered spread upon the Journal:

Senator Fasano: Senator Garcia, the amendment that we have before us—doesn't this just clarify that small viatical companies could still sell viatical investments to wealthy individuals without even being required to meet the securities registration requirements? Or can they meet the securities requirements and sell to the general public? Meaning that as long as they are selling to wealthy individuals as defined under Rule 501 of the Securities Act, they would not be required to be licensed; and so, therefore, this actually does help small companies because if they have that, they are able then to go ahead. If they are then to go ahead, if they are selling to wealthy individuals as defined under Rule 501, they then don't have to be licensed and do not have to worry about it. This actually opens up the market and allows the smaller companies to participate.

Senator Garcia: Yes. That is correct.

On motion by Senator Garcia, CS for SB 2412 as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—25

Table with 3 columns: Mr. President, Alexander, Argenziano, Atwater, Baker, Bullard, Carlton, Clary, Constantine, Crist, Fasano, Garcia, Haridopolos, King, Lawson, Lynn, Margolis, Peaden, Posey, Pruitt, Saunders, Sebesta, Villalobos, Webster, Wise

Nays—15

Table with 3 columns: Aronberg, Bennett, Campbell, Dawson, Diaz de la Portilla, Dockery, Geller, Hill, Jones, Klein, Miller, Rich, Siplin, Smith, Wilson

Vote after roll call:

Yea to Nay—Posey

SB 498—A bill to be entitled An act relating to the residency status of dependent immigrant children; creating s. 39.5075, F.S.; providing definitions; directing the Department of Children and Family Services or a community-based care provider to determine whether a dependent child is a citizen of the United States and to report the information to the court; providing that services to children alleged to have been abused, neglected, or abandoned be provided without regard to the citizenship of the child except where alienage or immigration status is explicitly set as a statutory condition of coverage or eligibility; requiring the case plan to include specified information; directing the department

or the community-based care provider to file a petition with the court to determine whether the child meets the criteria for special immigrant juvenile status; directing the department or the community-based care provider to file papers with federal authorities to adjust the child's residency status; authorizing the court to continue jurisdiction of a child whose residency status is being considered by federal authorities; requiring that certain information be given to the court; directing the department to adopt rules; providing an effective date.

—was read the third time by title.

On motion by Senator Margolis, SB 498 was passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

CS for SB 510—A bill to be entitled An act relating to temporary custody of a child by an extended family member or putative father; amending s. 751.011, F.S.; defining the term “extended family member”; amending s. 751.02, F.S.; authorizing an extended family member to bring a proceeding in court to determine the temporary custody of a child; amending s. 751.03, F.S.; specifying the information that must be included in a petition for temporary custody by an extended family member or putative father; providing that only an extended family member or putative father may file a petition for temporary custody under ch. 751, F.S.; amending s. 751.05, F.S.; providing that either or both of the child's parents may petition the court to modify the order granting temporary custody under certain circumstances; providing an effective date.

—was read the third time by title.

On motion by Senator Fasano, CS for SB 510 was passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

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

duties of the Legislature; providing legislative intent; providing an effective date.

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

On motion by Senator Lynn, **HB 1001** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Garcia

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.

—was read the third time by title.

On motion by Senator Hill, **CS for SB 216** was passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—4

Clary	Siplin	Webster
Dockery		

Votes Recorded:

April 29, 2005: Yea—Alexander

SENATOR KING PRESIDING

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

the Department of Education to develop an individual education plan form for use in developing and implementing individual education plans for exceptional students; requiring school districts to use the form; providing an effective date.

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

On motion by Senator Lynn, **CS for SB 768** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

CS for SB 276—A bill to be entitled An act relating to wrecker services; amending s. 120.80, F.S.; exempting hearings of the Division of the Florida Highway Patrol concerning the wrecker allocation system from requirements of ch. 120, F.S.; creating s. 205.1975, F.S.; prohibiting a county or municipality from issuing or renewing a license for a wrecker company that is not in compliance with the requirements of the act; amending s. 316.530, F.S., relating to traffic control; conforming provisions to changes made by the act; reenacting s. 316.550(4), F.S., relating to special wrecker permits, to incorporate the amendment to s. 320.01, F.S., in references thereto; amending s. 316.605, F.S.; clarifying that portion of a license plate which must be clear and plainly visible; providing requirements for licensing wreckers and other vehicles; amending s. 320.01, F.S.; redefining the term "wrecker" for purposes of the Florida Statutes; amending ss. 320.03 and 320.0706, F.S., relating to motor vehicle registration and license plates; conforming provisions to changes made by the act; reenacting s. 320.08(5)(d) and (e), F.S., relating to license taxes, to incorporate the amendment to s. 320.01, F.S., in references thereto; amending s. 320.0821, F.S.; revising requirements for the issuance of wrecker license plates; amending s. 320.13, F.S., relating to dealer license plates; conforming provisions to changes made by the act; amending s. 321.051, F.S.; providing definitions; requiring the Division of the Florida Highway Patrol within the Department of Highway Safety and Motor Vehicles to establish a wrecker allocation system; providing requirements for the system; authorizing the division to set maximum rates for towing and storage of vehicles; prohibiting an unauthorized wrecker company from monitoring a police radio or engaging in other activities; providing penalties; providing requirements for dispatching wreckers; amending s. 323.001, F.S., relating to wrecker company storage facilities; providing definitions; providing procedures for a law enforcement agency to place a hold on a stored vehicle; providing for payment of towing and storage charges; amending s. 323.002, F.S.; providing definitions; providing requirements for a county or municipality that operates a wrecker allocation system; providing requirements for the system; prohibiting an unauthorized wrecker company from monitoring a police radio or engaging in other activities; providing penalties; providing requirements for dispatching wreckers; creating chapter 508, F.S.; providing definitions; creating the Wrecker Operator Advisory Council within the Department of Agriculture and Consumer Services; providing for membership and terms; providing for reimbursement for travel and per diem expenses; requiring the council to advise the department on matters relating to standards and practices in the wrecker industry; authorizing the department to adopt rules; requiring wrecker companies to register with the department; providing requirements for registration renewal; providing requirements for advertisements; requiring insurance coverage; requiring the department to notify the Department of Highway Safety and Motor Vehicles when a registration has been suspended or revoked; authorizing the department to deny registration under certain circumstances; specifying acceptable forms of payment;

establishing a certification program for wrecker operators; requiring the department to approve courses and organizations; providing requirements for examinations; providing for certification in specialized wrecker services; requiring the department to adopt rules; providing for certification cards to be issued to wrecker operators who complete the certification course and pass the examination; prohibiting the performance of wrecker services after a specified date unless the company is registered and obtains certification as required; authorizing the department to inspect employment records; providing requirements for continuing education; specifying prohibited acts; providing administrative, civil, and criminal penalties; providing for registration fees; providing for deposit of fees, penalties, and other funds; providing that the chapter does not apply to recovery agents; authorizing counties and municipalities to enact ordinances governing wrecker operators; requiring that a wrecker company maintain records of its services for a specified time; requiring a wrecker company to keep records of its operators continuing education courses for a specified time; directing organizations that conduct continuing education courses to keep records for a specified time; amending s. 713.78, F.S.; 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.; defining the term "vessel"; 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; repealing s. 1.01(15), F.S., relating to the definition of the term "wrecker operator"; providing an appropriation and authorizing additional positions; providing effective dates.

—was read the third time by title.

On motion by Senator Crist, **CS for SB 276** was passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—2

Baker	Posey
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Vote after roll call:

Yea—Atwater, Sebesta

Votes Recorded:

April 29, 2005: Yea—Carlton

CS for CS for SB 758—A bill to be entitled An act relating to child protective investigations; amending s. 39.202, F.S.; providing staff of a children's advocacy center with access to records of child abuse and neglect; amending s. 39.301, F.S.; prohibiting the use of information contained in reports of child abuse, abandonment, or neglect for purposes that adversely affect the interests of persons who are not identified

as responsible for such abuse, abandonment, or neglect; amending s. 39.302, F.S.; prohibiting the use of information contained in reports of child abuse, abandonment, or neglect in institutional investigations for purposes that adversely affect the interests of persons not identified as responsible; providing circumstances under which the Department of Children and Family Services may rely on such information in a decision to renew or revoke a license; providing an effective date.

—was read the third time by title.

On motion by Senator Wise, **CS for CS for SB 758** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

SB 2268—A bill to be entitled An act relating to athletic trainers; amending s. 468.707, F.S.; revising the requirements for licensure as an athletic trainer; amending s. 468.711, F.S.; revising the criteria for continuing education in athletic training; amending s. 468.717, F.S.; providing that a person who practices athletic training without holding an active license commits a first-degree misdemeanor regardless of whether the person receives compensation; amending s. 468.723, F.S.; providing that a person employed as an apprentice trainer or athletic trainer is not exempt from part XIII of ch. 468, F.S.; amending s. 1012.46, F.S.; deleting the classification of first responder in a school district's athletic injuries prevention and treatment program; requiring that an athletic trainer employed by a school district be licensed as an athletic trainer; deleting a requirement that such person possess certain certification as an educator; providing an effective date.

—was read the third time by title.

On motion by Senator Fasano, **SB 2268** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Votes Recorded:

April 29, 2005: Yea—King

HB 1029—A bill to be entitled An act relating to funding for dredging projects; creating s. 311.115, F.S.; requiring the Florida Seaport Transportation and Economic Development Council to establish a matching

funds program for certain dredging projects; requiring the adoption of rules and criteria for project evaluation; requiring approved projects to be reviewed by the Department of Community Affairs, the Department of Transportation, and the Office of Tourism, Trade, and Economic Development; providing an effective date.

—was read the third time by title.

On motion by Senator Fasano, **HB 1029** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

The Senate resumed consideration of—

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. 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; amending s. 381.921, F.S.; revising a goal of the Florida Cancer Council; providing appropriations; amending s. 215.5602, F.S.; requiring the Legislature to annually appropriate funds to the James and Esther King Biomedical Research Program; amending s. 1004.445, F.S.; requiring the Legislature to annually appropriate funds to support research to the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute; providing an effective date.

—which was previously considered and amended this day. Pending **Amendment 2 (700282)** by Senator Saunders was adopted by two-thirds vote.

On motion by Senator Saunders, **CS for CS for SB's 1872 and 2378** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

CS for SB 1154—A bill to be entitled An act relating to Enterprise Florida, Inc.; amending s. 288.041, F.S.; deleting the requirement that

Enterprise Florida, Inc., assist in the expansion of the solar energy industry and solar technology; amending s. 288.095, F.S.; deleting obsolete provisions; repealing s. 288.8155, F.S., relating to the International Trade Data Resource and Research Center; amending s. 288.901, F.S.; revising the membership, organization, and meetings of the board of directors of Enterprise Florida, Inc.; amending s. 288.9015, F.S.; deleting obsolete provisions regarding the Workforce Development Board of Enterprise Florida, Inc.; amending s. 288.90151, F.S.; deleting obsolete provisions; specifying moneys and contributions that may be considered as private-sector support to Enterprise Florida, Inc.; requiring that the annual report include a study; clarifying the term "economic development organization"; requiring Enterprise Florida, Inc. to hire certain firms to develop certain survey reporting; deleting a requirement that the annual report be certified; amending s. 288.904, F.S.; revising the power of the board to make and enter into contracts; providing that certain limitations do not apply to contracts awarded by another entity; providing an effective date.

—was read the third time by title.

On motion by Senator Dockery, **CS for SB 1154** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

The Senate resumed consideration of—

CS for CS for SB 662—A bill to be entitled An act relating to hospitals; creating a commission to study the effect of the 2004 hurricane season on certain hospitals and identify hospitals unable to comply with the Florida Building Code or located in flood-prone areas; providing for membership, reimbursement, and duties of the study commission; requiring the Department of Community Affairs to provide staff for the study commission; requiring the commission to submit a report and recommendations to the Governor and the Legislature; creating a high-deductible-health-insurance plan study group; specifying membership; requiring the study group to investigate certain issues relating to high-deductible health insurance plans; requiring the group to meet and submit recommendations to the Governor and Legislature; directing the Office of Program Policy Analysis and Government Accountability to conduct a study to evaluate whether the State of Florida should join the Nurse Licensure Compact; providing an effective date.

—which was previously considered this day. Pending **Amendment 1 (171524)** by Senator Clary was adopted by two-thirds vote.

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

Amendment 2 (673762)—On page 5, lines 12-22, delete those lines and insert:

(c) *The impact on hospitals' and physicians' inability to collect deductibles and copayments.*

(d) *The ability of hospitals, physicians, and insureds to determine, prior to service delivery, the level of deductible and copayment required of the insured.*

(e) *Methods to assist hospitals, physicians, and insureds in determining prior to service delivery the status of the insured in meeting annual deductible requirements and any subsequent copayments.*

(f) *Methods to assist hospitals and physicians in the collection of deductibles and copayments, including electronic payments.*

MOTION

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

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

Amendment 3 (601494)—On page 5, line 2, following “*Regulation,*” insert: *or his or her designee,*

On motion by Senator Clary, **CS for CS for SB 662** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

CS for SB 2006—A bill to be entitled An act relating to warranty associations; amending s. 634.401, F.S.; redefining the term “service warranty” for purposes of regulation of service warranty associations; amending s. 634.011, F.S.; including paintless dent-removal in the services that may be covered by a motor vehicle service agreement; amending s. 634.041, F.S.; revising requirements governing qualifications for a license to issue such agreements; providing for use of a 50-percent reserve or contractual liability coverage by certain service agreement companies; amending s. 634.136, F.S.; requiring a motor vehicle service contract company to maintain additional information relating to motor vehicle service agreements; providing an effective date.

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

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

Amendment 1 (731216)—On page 4, line 26 through page 5, line 2, delete those lines and insert:

(b) *A service agreement company that maintains net assets of at least \$10 million and that annually files with the office a financial statement audited in accordance with generally accepted accounting principles may use either the 50-percent reserve or the contractual liability coverage for specific blocks of new service agreements. For purposes of this subsection, the term “specific blocks of new service agreements” means the service agreements sold by a single designated licensed salesperson. A service agreement company must be able to distinguish how each individual service agreement is covered. A service agreement company using the 50-percent premium reserve, as permitted under this subsection, must obtain contractual liability insurance coverage for any future deficits in the premium reserve account directly attributable to the specific blocks of new agreements written. Such a contractual liability insurance policy must be filed with the office. Such policies or endorsements to an existing policy must contain language evidencing that the contractual liability insurance policy shall pay claims arising out of such specific blocks of agreements if the service agreement company cannot or will not pay such claims. All contractual liability insurance policies issued to a service agreement company under this part must cover all agreements issued during the term of the policy and, for purposes of this section, the com-*

pany must obtain and file with the office endorsements to that policy identifying the specific blocks of agreements not covered thereunder.

On motion by Senator Garcia, **CS for SB 2006** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Webster

SPECIAL ORDER CALENDAR

On motion by Senator Dockery, by two-thirds vote **HB 1141** was withdrawn from the Committees on Environmental Preservation; Transportation; and General Government Appropriations.

On motion by Senator Dockery—

HB 1141—A bill to be entitled An act relating to greenways and trails; renaming ch. 260, F.S., as the “Florida Greenways and Trails Act”; amending s. 260.011, F.S.; providing a popular name; amending s. 260.012, F.S.; revising legislative intent with respect to the development and completion of the Florida National Scenic Trail; conforming cross references; amending s. 260.013, F.S.; revising and providing definitions; amending s. 260.0141, F.S.; removing provisions authorizing certain acquisitions; amending s. 260.0142, F.S.; revising the powers and duties of the Florida Greenways and Trails Council; extending the terms of certain appointees; providing for reappointment of appointees; revising eligibility requirements for appointees of the trail user community to include users of off-highway vehicles; amending s. 260.015, F.S.; removing provisions for the appraisal of certain property by the Department of Environmental Protection; conforming cross references; amending s. 260.016, F.S.; revising the general powers of the department; revising provisions relating to rules for public access to greenways and trails; conforming cross references; creating s. 260.019, F.S.; establishing the Florida Circumnavigation Saltwater Paddling Trail; providing for review, adjustment, and redesignation of the trail segments by the department; requiring the department to prepare and submit a report to the Governor and Legislature by a specified date pursuant to such review; creating s. 260.021, F.S.; providing for a partnership between various organizations and mining interests to develop recreational opportunities on mined lands; creating s. 335.067, F.S.; creating the Conserve by Bicycle Program within the Department of Transportation, providing purposes of the program, and requiring such department to conduct a Conserve by Bicycle study; amending s. 373.199, F.S.; requiring water management districts to include information about the Florida National Scenic Trail in the Florida Forever Water Management District Work Plan; amending s. 378.036, F.S.; removing provisions relating to recreational opportunities on mined lands; amending s. 380.507, F.S.; revising the powers of the Florida Communities Trust with respect to the Florida National Scenic Trail; amending s. 110.501, F.S.; conforming a cross reference; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 774** and read the second time by title.

Pursuant to Rule 4.19, **HB 1141** was placed on the calendar of Bills on Third Reading.

On motion by Senator Aronberg—

CS for SB 284—A bill to be entitled An act relating to consumer protection; creating s. 501.165, F.S.; prohibiting the use of deception to obtain certain personal information for commercial solicitation purposes; providing that such acts are deceptive trade practices or unfair methods of competition; providing penalties; creating s. 501.167, F.S.; prescribing duties of persons and businesses holding computerized personal information upon discovery of a breach of security of the system on which such data are maintained; defining terms; prescribing forms that notification of the breach must take; providing exceptions; providing remedies; amending s. 501.2075, F.S.; providing an exception to a civil penalty; creating s. 501.2076, F.S.; prohibiting falsely representing oneself as being affiliated with a law enforcement or firefighting agency or public utility; providing a penalty; amending s. 501.2077, F.S.; providing that it is an unfair or deceptive act to cause a handicapped person or certain senior citizens to waive certain benefits or rights; providing an exception; providing that a violation of s. 817.568, F.S., relating to the criminal use of personal identification information, is an unfair or deceptive act or practice or unfair method of competition in violation of part II of ch. 501, F.S.; providing penalties; amending ss. 501.203 and 501.204, F.S.; changing obsolete dates; reenacting and amending s. 501.207, F.S., relating to remedies of the enforcing authority under the Florida Deceptive and Unfair Trade Practices Act; providing that the court may order actions brought under that act on behalf of an enterprise; amending s. 817.568, F.S.; redefining the term “personal identification information” and defining the term “counterfeit or fictitious personal identification information”; revising criminal penalties relating to the offense of fraudulently using, or possessing with intent to fraudulently use, personal identification information; providing minimum mandatory terms of imprisonment; creating the offenses of willfully and fraudulently using, or possessing with intent to fraudulently use, personal identification information concerning a deceased individual; providing criminal penalties; providing for minimum mandatory terms of imprisonment; creating the offense of willfully and fraudulently creating or using, or possessing with intent to fraudulently use, counterfeit or fictitious personal identification information; providing criminal penalties; providing for reclassification of offenses under certain circumstances; providing for reduction or suspension of sentences under certain circumstances; providing for severability; providing an effective date.

—was read the second time by title.

MOTION

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

Senator Aronberg moved the following amendment which was adopted:

Amendment 1 (670940)(with title amendment)—On page 3, line 3 through page 11, line 20, delete those lines and insert:

Section 1. Section 817.5681, Florida Statutes, is created to read:

817.5681 Breach of security concerning confidential personal information in third-party possession; administrative penalties.—

(1)(a) *Any person who conducts business in this state and maintains computerized data in a system that includes personal information shall provide notice of any breach of the security of the system, following a determination of the breach, to any resident of this state whose unencrypted personal information was, or is reasonably believed to have been, acquired by an unauthorized person. The notification shall be made without unreasonable delay, consistent with the legitimate needs of law enforcement, as provided in subsection (3) and paragraph (10)(a), or subject to any measures necessary to determine the presence, nature, and scope of the breach and restore the reasonable integrity of the system. Notification must be made no later than 45 days following the determination of the breach unless otherwise provided in this section.*

(b) *Any person required to make notification under paragraph (a) who fails to do so within 45 days following the determination of a breach or receipt of notice from law enforcement as provided in subsection (3) is liable for an administrative fine not to exceed \$500,000, as follows:*

1. *In the amount of \$1,000 for each day the breach goes undisclosed for up to 30 days and, thereafter, \$50,000 for each 30-day period or portion thereof for up to 180 days.*

2. *If notification is not made within 180 days, any person required to make notification under paragraph (a) who fails to do so is subject to an administrative fine of up to \$500,000.*

(c) *The administrative sanctions for failure to notify in paragraph (b) apply per breach, and not per individual affected by the breach. Such sanctions do not apply in the case of personal information in the custody of any governmental agency or subdivision, unless that governmental agency or subdivision has entered into a contract with a contractor or third-party administrator to provide governmental services. In such case, the contractor or third-party administrator is the person to whom such sanctions apply and such contractor or third-party administrator found in violation of such notification requirements has no right to any contribution or set-off that may otherwise be available against the employing agency or subdivision.*

(2)(a) *Any person who maintains computerized data that includes personal information on behalf of another business entity shall disclose to the business entity for which the information is maintained any breach of the security of the system as soon as practicable, but no later than 10 days following the determination, if the personal information was, or is reasonably believed to have been, acquired by an unauthorized person. The person who maintains the data on behalf of another business entity and the business entity on whose behalf the data is maintained may agree who will provide the notice, if any is required, as provided in paragraph (1)(a); however, only a single notice for each breach of the security of the system is required. If agreement regarding notification cannot be reached, the person who has the direct business relationship with the resident of this state must provide the notice required under paragraph (1)(a).*

(b) *Any person required to disclose to a business entity under paragraph (a) who fails to do so within 10 days after the determination of a breach or receipt of notification from law enforcement as provided in subsection (3) is liable for an administrative fine not to exceed \$500,000, as follows:*

1. *In the amount of \$1,000 for each day the breach goes undisclosed for up to 30 days and, thereafter, \$50,000 for each 30-day period or portion thereof for up to 180 days.*

2. *If disclosure is not made within 180 days, such person is subject to an administrative fine of up to \$500,000.*

(c) *The administrative sanctions for nondisclosure provided in paragraph (b) apply per breach, and not per individual affected by the breach. Such sanctions do not apply in the case of personal information in the custody of any governmental agency or subdivision unless that governmental agency or subdivision has entered into a contract with a contractor or third-party administrator to provide governmental services. In such case, the contractor or third-party administrator is the person to whom such sanctions apply and such contractor or third-party administrator found in violation of such nondisclosure restrictions has no right to any contribution or set-off that may otherwise be available against the employing agency or subdivision.*

(3) *The notification required by this section may be delayed upon a request by law enforcement if a law enforcement agency determines that the notification will impede a criminal investigation. The notification time period required by this section shall commence after the person receives notice from the law enforcement agency that the notification will not compromise the investigation.*

(4) *For purposes of this section, the terms “breach” and “breach of the security of the system” mean unlawful and unauthorized acquisition of computerized data that materially compromises the security, confidentiality, or integrity of personal information maintained by the person. Good faith acquisition of personal information by an employee or agent of the person is not a breach or breach of the security of the system, provided the information is not used for a purpose unrelated to the business or subject to further unauthorized use.*

(5) *For purposes of this section, the term “personal information” means an individual’s first name, first initial and last name, or any middle name and last name, in combination with any one or more of the following data elements when the data elements are not encrypted:*

(a) *Social security number.*

(b) Driver's license number or Florida Identification Card number.

(c) Account number, credit card number, or debit card number, in combination with any required security code, access code, or password that would permit access to an individual's financial account.

The term does not include publicly available information that is lawfully made available to the general public from federal, state, or local government records or widely distributed media.

(6) For purposes of this section, notice may be provided by one of the following methods:

(a) Written notice;

(b) Electronic notice, if the notice provided is consistent with the provisions regarding electronic records and signatures in 15 U.S.C. s. 7001 or if the person or business providing the notice has a valid e-mail address for the subject person and the subject person has agreed to accept communications electronically; or

(c) Substitute notice, if the person demonstrates that the cost of providing notice would exceed \$250,000, the affected class of subject persons to be notified exceeds 500,000, or the person does not have sufficient contact information. Substitute notice shall consist of all of the following:

1. Electronic mail or e-mail notice when the person has an electronic mail or e-mail address for the subject persons.

2. Conspicuous posting of the notice on the web page of the person, if the person maintains a web page.

3. Notification to major statewide media.

(7) For purposes of this section, the term "unauthorized person" means any person who does not have permission from, or a password issued by, the person who stores the computerized data to acquire such data, but does not include any individual to whom the personal information pertains.

(8) For purposes of this section, the term "person" means a person as defined in s. 1.01. For purposes of this section, the State of Florida, as well as any of its agencies or political subdivisions, and any of the agencies of its political subdivisions, is a person.

(9) Notwithstanding subsection (6), a person who maintains:

(a) The person's own notification procedures as part of an information security or privacy policy for the treatment of personal information, which procedures are otherwise consistent with the timing requirements of this part; or

(b) A notification procedure pursuant to the rules, regulations, procedures, or guidelines established by the person's primary or functional federal regulator,

shall be deemed to be in compliance with the notification requirements of this section if the person notifies subject persons in accordance with the person's policies or the rules, regulations, procedures, or guidelines established by the primary or functional federal regulator in the event of a breach of security of the system.

(10)(a) Notwithstanding subsection (2), disclosure is not required if, after an appropriate investigation or after consultation with relevant federal, state, and local agencies responsible for law enforcement, the person reasonably determines that the breach has not and will not likely result in harm to the individuals whose personal information has been acquired and accessed. Such a determination must be documented in writing and the documentation must be maintained for 5 years.

(b) Any person required to document a failure to notify affected persons who fails to document the failure as required in paragraph (a) or who, if documentation was created, fails to maintain the documentation as required in paragraph (a) is liable for an administrative fine of up to \$50,000 for such failure.

(c) The administrative sanctions in paragraph (b) do not apply in the case of personal information in the custody of any governmental agency or subdivision, unless that governmental agency or subdivision has entered into a contract with a contractor or third-party administrator to

provide governmental services. In such case the contractor or third-party administrator is the person to whom such sanctions apply and such contractor or third-party administrator found in violation of the documentation and maintenance of documentation requirements has no right to any contribution or set-off that may otherwise be available against the employing agency or subdivision.

(11) The Department of Legal Affairs may institute proceedings to assess and collect the fines authorized in this section.

(12) If a person discovers circumstances requiring notification pursuant to this section of more than 1,000 persons at a single time, the person shall also notify, without unreasonable delay, all consumer reporting agencies that compile and maintain files on consumers on a nationwide basis, as defined in 15 U.S.C. s. 1681a(p), of the timing, distribution, and content of the notices.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 3 through page 2, line 7, delete those lines and insert: creating s. 817.5681, F.S.; requiring business persons maintaining computerized data that includes personal information to provide notice of breaches of system security under certain circumstances; providing requirements; providing for administrative fines; providing exceptions and limitations; authorizing delays of such disclosures under certain circumstances; providing definitions; providing for alternative notice methods; specifying conditions of compliance for persons maintaining certain alternative notification procedures; specifying conditions under which notification is not required; providing requirements for documentation and maintenance of documentation; providing an administrative fine for failing to document certain failures to comply; providing for application of administrative sanctions to certain persons under certain circumstances; authorizing the Department of Legal Affairs to institute proceedings to assess and collect fines; requiring notification of consumer reporting agencies of breaches of system security under certain circumstances; amending s.

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

On motion by Senator Clary, by two-thirds vote **HB 699** was withdrawn from the Committees on Regulated Industries; and Commerce and Consumer Services.

On motion by Senator Clary—

HB 699—A bill to be entitled An act relating to architecture, landscape architecture, and interior design; amending s. 481.219, F.S.; revising provisions on architectural and interior design services certifications to include applicability to limited liability companies; 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. 481.225, F.S.; revising grounds for disciplinary actions relating to the practice of architecture; amending s. 481.2251, F.S.; revising grounds for disciplinary proceedings relating to the practice of interior design; amending s. 481.229, F.S.; revising an exemption relating to interior design services and titles to include applicability to certain limited liability companies; 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. 481.325(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 an effective date.

—a companion measure, was substituted for **CS for SB 1608** and read the second time by title.

Pursuant to Rule 4.19, **HB 699** was placed on the calendar of Bills on Third Reading.

On motion by Senator Wise—

CS for CS for SB 2550—A bill to be entitled An act relating to assistive technology devices and services; creating s. 1003.575, F.S.; 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.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 2550** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 1356** was deferred.

On motion by Senator Geller—

CS for SB 48—A bill to be entitled An act relating to automated external defibrillators; amending s. 401.2915, F.S.; revising legislative intent with respect to the use of an automated external defibrillator; defining an automated external defibrillator as a lifesaving defibrillation device; defining a related term; providing that it is a first-degree misdemeanor for a person to commit certain acts involving the misuse of an automated external defibrillator; authorizing a local government to adopt an ordinance to license, permit, or inspect automated external defibrillators; providing for enforcement of such local ordinances; requiring the Department of Health to implement an educational campaign to inform the public about the lack of immunity from liability regarding the use of automated external defibrillator devices under certain conditions; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 48** was placed on the calendar of Bills on Third Reading.

On motion by Senator Sebesta—

CS for SB 1344—A bill to be entitled An act relating to motor vehicles; amending s. 261.03, F.S.; redefining the term “off-highway vehicle” to include a two-rider ATV; adding a definition; amending s. 316.003, F.S.; defining the term “traffic signal preemption system”; amending s. 316.0775, F.S.; providing that the unauthorized use of a traffic signal preemption device is a moving violation; amending s. 316.122, F.S.; providing for the right-of-way for certain passing vehicles; creating s. 316.1576, F.S.; providing clearance specifications for a railroad-highway grade crossing; providing a penalty; creating s. 316.1577, F.S.; providing that an employer is responsible under certain circumstances for violations pertaining to railroad-highway grade crossings; providing a penalty; amending s. 316.183, F.S.; increasing the minimum speed limit on interstate highways under certain circumstances; amending s. 316.1932, F.S.; revising the requirements for printing the notice of consent for sobriety testing on a driver’s license; amending s. 316.1936, F.S., relating to possession of open containers of alcohol; removing an exemption provided for passengers of a vehicle operated by a driver holding a Class D driver’s license; amending s. 316.194, F.S.; authorizing traffic accident investigation officers to remove vehicles under certain circumstances; amending s. 316.1967, F.S.; providing that an owner of a leased vehicle is not responsible for a parking ticket violation in certain circumstances; amending s. 316.2074, F.S.; redefining the term “all-terrain vehicle” to include a two-rider ATV; amending s. 316.302, F.S.; updating a reference to the Code of Federal Regulations relating to commercial motor vehicles; amending s. 316.605, F.S.; clarifying that portion of a license plate which must be clear and plainly visible; amending s. 316.613, F.S.; eliminating authorization for the Department of Highway Safety and Motor Vehicles to expend certain funds for promotional purposes; creating s. 316.6131, F.S.; authorizing the department to expend

certain funds for public information and education campaigns; amending s. 316.650, F.S.; providing exceptions to a prohibition against using citations as evidence in a trial; amending s. 317.0003, F.S.; defining the term “off-highway vehicle” to include a two-rider ATV; providing a definition; amending ss. 317.0004, 317.0005, and 317.0006, F.S.; conforming references; amending s. 317.0007, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to issue a validation sticker as an additional proof of title for an off-highway vehicle; providing for the replacement of lost or destroyed off-highway vehicle validation stickers; providing for disposition of fees; repealing s. 317.0008(2), F.S., relating to the expedited issuance of duplicate certificates of title for off-highway vehicles; amending ss. 317.0010, 317.0012, and 317.0013, F.S.; conforming references; creating s. 317.0014, F.S.; establishing procedures for the issuance of a certificate of title for an off-highway vehicle; providing duties of the Department of Highway Safety and Motor Vehicles; providing for a notice of lien and lien satisfaction; creating s. 317.0015, F.S.; providing for the applicability of certain provisions of law to the titling of off-highway vehicles; creating s. 317.0016, F.S.; providing for the expedited issuance of titles for off-highway vehicles; creating s. 317.0017, F.S.; prohibiting specified actions relating to the issuance of titles for off-highway vehicles; providing a penalty; creating s. 317.0018, F.S.; prohibiting the transfer of an off-highway vehicle without delivery of a certificate of title; prescribing other violations; providing a penalty; amending s. 318.14, F.S.; authorizing the department to modify certain actions to suspend or revoke a driver’s license following notice of final disposition; providing citation procedures and proceedings for persons who do not hold a commercial driver’s license; amending s. 319.23, F.S.; requiring a licensed motor vehicle dealer to notify the Department of Highway Safety and Motor Vehicles of a motor vehicle or mobile home taken as a trade-in; requiring the department to update its title record; amending s. 319.27, F.S.; correcting an obsolete cross-reference; amending s. 320.06, F.S.; providing for a credit or refund when a registrant is required to replace a license plate under certain circumstances; amending s. 320.0601, F.S.; requiring that a registration or renewal of a long-term leased motor vehicle be in the name of the lessee; amending s. 320.0605, F.S.; exempting a vehicle registered as a fleet vehicle from the requirement that the certificate of registration be carried in the vehicle at all times; amending s. 320.0843, F.S.; requiring that an applicant’s eligibility for a disabled parking plate be noted on the certificate; amending s. 320.131, F.S.; authorizing the department to provide for an electronic system for motor vehicle dealers to use in issuing temporary license plates; providing a penalty; amending s. 320.18, F.S.; authorizing the department to cancel the vehicle or vessel registration, driver’s license, or identification card of a person who pays certain fees or penalties with a dishonored check; amending s. 320.27, F.S.; requiring dealer principals to provide certification of completing continuing education under certain circumstances; requiring motor vehicle dealers to maintain records for a specified period; providing certain penalties; amending s. 322.01, F.S.; redefining the terms “commercial motor vehicle” and “out-of-service order”; providing the definition of conviction applicable to offenses committed in a commercial motor vehicle; amending s. 322.05, F.S.; removing requirements for a Class D driver’s license; amending s. 322.051, F.S.; revising provisions relating to the application for an identification card; providing that the requirement for a fullface photograph or digital image on an identification card may not be waived under ch. 761, F.S.; amending s. 322.07, F.S.; removing requirements for a Class D driver’s license; amending s. 322.08, F.S.; providing that a United States passport is an acceptable proof of identity for purposes of obtaining a driver’s license; providing that a naturalization certificate issued by the United States Department of Homeland Security is an acceptable proof of identity for such purpose; providing that specified documents issued by the United States Department of Homeland Security are acceptable as proof of nonimmigrant classification; amending s. 322.09, F.S.; requiring the signature of a secondary guardian on a driver’s license application for a minor under certain circumstances; amending s. 322.11, F.S.; providing for notice to a minor before canceling the minor’s license due to the death of the person who cosigned the initial application; amending s. 322.12, F.S.; removing requirements for a Class D driver’s license; amending s. 322.135, F.S.; revising requirements for the tax collector in directing a licensee for examination or reexamination; requiring county officers to pay certain funds to the State Treasury by electronic funds transfer within a specified period; amending s. 322.142, F.S.; providing that the requirement for a fullface photograph or digital image on a driver’s license may not be waived under ch. 761, F.S.; amending s. 322.161, F.S.; removing requirements for a Class D driver’s license; amending s. 322.17, F.S., relating to duplicate and replacement certificates; conforming a cross-reference; amending s. 322.18, F.S.; revising the expiration period for driver’s licenses issued to specified per-

sons; conforming cross-references; amending s. 322.19, F.S., relating to change of address or name; conforming cross-references; amending s. 322.21, F.S.; removing requirements for a Class D driver's license; requiring the department to set a fee for a hazardous-materials endorsement; providing that the fee may not exceed \$100; amending s. 322.212, F.S.; providing an additional penalty for giving false information when applying for a commercial driver's license; amending s. 322.22, F.S.; authorizing the department to cancel any identification card, vehicle or vessel registration, or fuel-use decal of a licensee who pays certain fees or penalties with a dishonored check; amending s. 322.251, F.S.; removing requirements for a Class D driver's license; amending s. 322.2615, F.S.; revising provisions related to administrative suspension of driver's licenses; amending s. 322.27, F.S.; providing 4 points to be assessed against a person's driver's license for a violation of s. 316.0775(2), F.S.; amending s. 322.30, F.S.; removing the requirements for a Class D driver's license; amending s. 322.53, F.S.; removing requirements for a Class D driver's license; removing a requirement that certain operators of a commercial motor vehicle obtain a specified license; amending s. 322.54, F.S.; revising the classification requirements for certain driver's licenses; deleting requirements for a Class D driver's license; amending s. 322.57, F.S.; providing testing requirements for school bus drivers; amending s. 322.58, F.S.; deleting requirements for a Class D driver's license and changing those requirements to a Class E driver's license; amending and reenacting s. 322.61, F.S.; specifying additional violations that disqualify a person from operating a commercial motor vehicle; providing penalties; removing requirements for a Class D driver's license; amending s. 322.63, F.S.; clarifying provisions governing alcohol and drug testing for commercial motor vehicle operators; amending s. 322.64, F.S., and reenacting s. 322.64(14), F.S., relating to citation procedures and proceedings, to incorporate the amendment to s. 322.61, F.S., in a reference thereto; providing for a temporary permit issued following certain DUI offenses to apply only to the operation of noncommercial vehicles; amending s. 713.78, F.S.; revising provisions relating to the placement of a wrecker operator's lien against a motor vehicle; amending s. 843.16, F.S.; prohibiting the transportation of radio equipment that receives signals on frequencies used by this state's law enforcement officers or fire rescue personnel; redefining the term "emergency vehicle" to include any motor vehicle designated as such by the fire chief of a county or municipality; providing an enhanced penalty; providing an effective date.

—was read the second time by title.

Senator Sebesta moved the following amendment which was adopted:

Amendment 1 (203744)(with title amendment)—On page 59, lines 10-13, delete those lines and insert:

Section 50. Subsections (1) and (4) of section 322.135, Florida Statutes, are amended, and subsection (9) is added to that section, to read:

322.135 Driver's license agents.—

(1) The department may, upon application, authorize any or all of the tax collectors in the several counties of the state, subject to the requirements of law, in accordance with rules of the department, to serve as its agent for the provision of specified driver's license services.

(a) These services shall be limited to the issuance of driver's licenses and identification cards as authorized by this chapter.

(b) Each tax collector who is authorized by the department to provide driver's license services shall bear all costs associated with providing those services.

(c) A fee of \$5.25 is to be charged, in addition to the fees set forth in this chapter, for any driver's license issued or renewed by a tax collector. ~~One dollar of the \$5.25 fee must be deposited into the Highway Safety Operating Trust Fund.~~

And the title is amended as follows:

On page 6, line 4, after the semicolon (;) insert: deleting a requirement that a portion of certain fees collected by a tax collector be deposited in the Highway Safety Operating Trust Fund;

Pursuant to Rule 4.19, **CS for SB 1344** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Margolis—

CS for CS for SB 126—A bill to be entitled An act relating to education; amending s. 1003.455, F.S.; requiring each school district to submit a copy of its wellness policy to the Department of Education; requiring the department to post each policy on its website; encouraging each school district to review its level of participation and evaluate the success of its wellness programs; encouraging school districts to solicit public input regarding their policies on nutritional offerings and wellness plans; requiring the department to evaluate the extent to which certain standards in the arts are being taught in each school district; providing requirements for the evaluation; requiring results of such evaluation to be reported to the Governor and the Legislature; requiring certain public high schools to have a defibrillator on the school grounds; encouraging public and private partnerships to cover the costs associated with the defibrillator; encouraging school boards to review research with regard to how physical movement can enhance learning in academic subjects; requiring certain content to be included in staff development of physical education and arts instructors; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for SB 126** to **HB 879**.

Pending further consideration of **CS for CS for SB 126** as amended, on motion by Senator Margolis, by two-thirds vote **HB 879** was withdrawn from the Committees on Education; and Education Appropriations.

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

HB 879—A bill to be entitled An act relating to public school educational instruction; requiring the Department of Education to evaluate the extent to which the Sunshine State Standards in the arts are being taught; requiring a report to the Governor and the Legislature; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 126** as amended and read the second time by title.

Senators Constantine and Margolis offered the following amendment which was moved by Senator Constantine and adopted:

Amendment 1 (172566)(with title amendment)—Between lines 18 and 19, insert:

Section 2. Subsections (4), (5), and (6) are added to section 1003.455, Florida Statutes, to read:

1003.455 Physical education; assessment.—

(4) *By September 1, 2006, each school district shall submit to the Department of Education a copy of the wellness policy required by the Child Nutrition and WIC Reauthorization Act of 2004. The department shall post the policies on the department website so that they may be reviewed and shared.*

(5) *By January 1, 2006, each school district is encouraged to review the level of participation and evaluate the success of the wellness programs throughout the district in each school setting.*

(6) *School districts are encouraged to regularly solicit public input regarding their policies on school nutritional offerings and wellness plans so that the policies meet the intent and spirit of the law, applicable rules, and Sunshine State Standards and reflect the local community's expectations and needs.*

Section 3. *Each public high school that has athletic facilities or participates in interscholastic sports shall have an operational defibrillator on the high school grounds. Public and private partnerships are encouraged to cover the cost associated with purchase, placement, and training on the use of the defibrillator.*

Section 4. *Staff Development.—School boards are encouraged to review the research and best practices regarding how planned physical movement can foster enhanced learning in academic subjects. Staff development for physical education instructors and arts instructors must include content related to an integrated curriculum, particularly in the*

areas of reading, mathematics, arts, fitness-based instruction, and the connection between movement and learning.

(Redesignate subsequent sections.)

And the title is amended as follows:

On line 6, after the semicolon (;) insert: amending s. 1003.455, F.S.; requiring each school district to submit a copy of its wellness policy to the Department of Education; requiring the department to post each policy on its website; encouraging each school district to review its level of participation and evaluate the success of its wellness programs; encouraging school districts to solicit public input regarding their policies on nutritional offerings and wellness plans; requiring certain public high schools to have a defibrillator on the school grounds; encouraging public and private partnerships to cover the costs associated with the defibrillator; encouraging school boards to review research with regard to how physical movement can enhance learning in academic subjects; requiring certain content to be included in staff development of physical education and arts instructors;

Pursuant to Rule 4.19, **HB 879** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Rich—

SB 642—A bill to be entitled An act relating to traffic regulations; amending s. 316.1303, F.S.; requiring vehicle operators to stop and yield to mobility-impaired pedestrians who are assisted by guide dogs or other service animals; providing a penalty; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 642** to **HB 925**.

Pending further consideration of **SB 642** as amended, on motion by Senator Rich, by two-thirds vote **HB 925** was withdrawn from the Committees on Transportation; and Community Affairs.

On motion by Senator Rich—

HB 925—A bill to be entitled An act relating to traffic regulations; amending s. 316.1303, F.S.; requiring vehicle operators to stop and yield to mobility-impaired pedestrians who are assisted by guide dogs or other service animals; providing a penalty; providing an effective date.

—a companion measure, was substituted for **SB 642** as amended and read the second time by title.

MOTION

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

Senator Rich moved the following amendment which was adopted:

Amendment 1 (854906)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 316.1303, Florida Statutes, is amended to read:

316.1303 Traffic regulations to assist mobility-impaired persons.—Whenever a pedestrian is in the process of crossing a public street or highway and the pedestrian is mobility-impaired (using a *guide dog* or *service animal designated as such with a visible means of identification*, a walker, a crutch, an orthopedic cane, or a wheelchair), the driver of every vehicle approaching the intersection, as defined in s. 316.003(17), shall bring his or her vehicle to a full stop before arriving at such intersection and, before proceeding, shall take such precautions as may be necessary to avoid injuring such pedestrian. A person who is convicted of a violation of this section shall be punished as provided in s. 318.18(3).

Section 2. This act shall take effect July 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 traffic regulations; amending s. 316.1303,

F.S.; requiring vehicle operators to stop and yield to mobility-impaired pedestrians who are assisted by guide dogs or other service animals; providing a penalty; providing an effective date.

Pursuant to Rule 4.19, **HB 925** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Sebesta—

CS for CS for SB 652—A bill to be entitled An act relating to public construction bonds; amending s. 255.05, F.S.; revising requirements for the form used for public construction bonds; requiring payment provisions of public construction bonds to be construed as statutory bonds; requiring payment bond forms to reference notice and time limitation provisions; providing an effective date.

—was read the second time by title.

MOTION

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

Senator Bennett offered the following amendment which was moved by Senator Sebesta and adopted:

Amendment 1 (084420)(with title amendment)—On page 3, between lines 12 and 13, insert:

Section 2. Subsection (9) is added to section 624.155, Florida Statutes, to read:

624.155 Civil remedy.—

(9) A surety issuing a payment or performance bond on the construction or maintenance of a building or roadway project is not an insurer for purposes of subsection (1).

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 9, after the semicolon (;) insert: amending s. 624.155, F.S.; providing that a surety issuing a payment or performance bond on certain projects is not an insurer for the purpose of specified civil remedies;

Pursuant to Rule 4.19, **CS for CS for SB 652** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 634** was deferred.

On motion by Senator Geller—

CS for CS for SB 1348—A bill to be entitled An act relating to indoor smoking places; amending s. 386.203, F.S.; conforming a cross-reference; defining the term “person” for purposes of the act; redefining the term “stand-alone bar” to include a licensed premises that derives no more than a specified amount of gross revenue from the sale of food consumed on the licensed premises and that is located in a building individually listed in the National Register of Historic Places; requiring that an application for historic designation be submitted within a specified period of time; amending s. 386.204, F.S.; eliminating certain exceptions to the prohibition against smoking in an enclosed indoor workplace; prohibiting a proprietor or person in charge of an enclosed indoor workplace from permitting smoking in that workplace; requiring that a proprietor or person in charge of an enclosed indoor workplace request a person who is smoking to stop smoking or leave the premises; providing penalties; amending s. 386.2045, F.S.; conforming cross-references; permitting smoking upon a stage as part of a theatrical production; amending s. 386.205, F.S.; conforming cross-references; amending s. 386.206, F.S.; deleting certain provisions made obsolete by operation of law which require the posting of signs in an enclosed indoor workplace; amending s. 386.208, F.S.; authorizing a law enforcement officer to issue a citation to a person who violates the Florida Clean Indoor Air Act; providing requirements for the citation; providing that failure to comply with a

citation is deemed a waiver of the right to contest the citation; authorizing a law enforcement officer to remove a person from the premises who is in violation of the Florida Clean Indoor Air Act; providing that penalties imposed under the act do not limit other actions by a law enforcement officer or state agency; amending s. 561.695, F.S.; conforming cross-references; providing a penalty for a licensee who knowingly makes a false statement on an annual compliance affidavit; eliminating provisions requiring a stand-alone bar to certify to the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation compliance with certain provisions of the Florida Clean Indoor Air Act; providing additional penalties for a third or subsequent violation of requirements applicable to a stand-alone bar; providing an effective date.

—was read the second time by title.

Senator Geller moved the following amendment which was adopted:

Amendment 1 (350242)—On page 10, lines 10-13, delete those lines and insert: ~~386.203(11)~~. *However, an application to individually list the building in the National Register of Historic Places must have been submitted to the Department of State on or before October 1, 2005.*

MOTION

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

Senator Geller moved the following amendment which was adopted:

Amendment 2 (854970)(with title amendment)—On page 5, line 15 through page 6, line 2, delete those lines and insert:

Section 3. Subsections (2) and (4) of section 386.2045, Florida Statutes, are amended to read:

386.2045 Enclosed indoor workplaces; specific exceptions.—Notwithstanding s. 386.204, tobacco smoking may be permitted in each of the following places:

(2) RETAIL TOBACCO SHOP.—An enclosed indoor workplace dedicated to or predominantly for the retail sale of tobacco, tobacco products, and accessories for such products, as defined in s. 386.203(9) ~~s. 386.203(8)~~.

(4) STAND-ALONE BAR.—A business that meets the definition of a stand-alone bar as defined in s. 386.203(12) ~~s. 386.203(11)~~ and that otherwise complies with all applicable provisions of the Beverage Law and this part.

And the title is amended as follows:

On page 1, lines 25-27, delete those lines and insert: conforming cross-references; amending s. 386.205, F.S.;

MOTION

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

Senator Posey moved the following amendment which was adopted:

Amendment 3 (780230)—On page 4, line 5, after the semicolon (;) insert: *the licensed premises does not offer a children's menu or include in the menu items or food portion sizes that are identified as being specifically for children,*

Pursuant to Rule 4.19, **CS for CS for SB 1348** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Webster—

CS for 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.; amending s. 489.537, F.S.; revising provisions authorizing a municipality or county to require that an electrical journeyman be present on certain nonresidential construction sites; providing for the reinstatement of certain licenses that have expired; providing effective dates.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for SB 634** to **HB 41**.

Pending further consideration of **CS for CS for SB 634** as amended, on motion by Senator Webster, by two-thirds vote **HB 41** was withdrawn from the Committees on Banking and Insurance; Criminal Justice; and Regulated Industries.

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

HB 41—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 authorized by part II of ch. 489; providing exemptions; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 634** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 41** was placed on the calendar of Bills on Third Reading.

MOTIONS

On motion by Senator Argenziano, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the Special Order Calendar for Friday, April 29.

On motion by Senator Argenziano, a deadline of one hour after the availability of engrossed bills was set for filing amendments to Bills on Third Reading to be considered Friday, April 29.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Argenziano, by two-thirds vote **CS for SB 798** was withdrawn from the Committees on Justice Appropriations; Ways and Means; and Rules and Calendar; **CS for SB 2086** was withdrawn from the Committees on Transportation and Economic Development Appropriations; and Rules and Calendar; **SB 982** and **CS for SB 2538** were withdrawn from the Committee on Community Affairs; **CS for CS for SB 978** was withdrawn from the Committee on Criminal Justice; **SB 2640** was withdrawn from the Committee on Education; **CS for CS for SB 1002**, **CS for CS for SB 1316**, **CS for SB 1610**, **SB 1612**, **CS for SB 2322** and **CS for CS for SB 2426** were withdrawn from the Committee on General Government Appropriations; **CS for CS for SB 886** was withdrawn from the Committee on Government Efficiency Appropriations; **CS for SB 1516** and **CS for SB 1862** were withdrawn from the Committee on Health and Human Services Appropriations; **CS for SB 2156** and **CS for CS for SB 2502** were withdrawn from the Committee on Judiciary; **CS for SB 1414** was withdrawn from the Committee on Justice Appropriations; **SB 1252** was withdrawn from the Committee on Regulated Industries; **CS for SB 974**, **CS for SB 1628** and **CS for SB 1922** were withdrawn from the Committee on Rules and Calendar; and **SB 1998** was withdrawn from the Committee on Ways and Means.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Thursday, April 28, 2005: **CS for CS for SB 774**, **CS for SB 284**, **CS for SB 1608**, **CS for CS for SB 2550**, **SB 1356**, **CS for SB 48**, **CS for SB 1344**, **CS for CS for SB 126**, **SB 642**, **CS for CS for SB 652**, **CS for CS for SB 634**, **CS for CS for SB 1348**

Respectfully submitted,
Ken Pruitt, Chair

The Committee on Education recommends committee substitutes for the following: SB 1260, SB 2138

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

The Committee on Education recommends a committee substitute for the following: SB 876

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

The Committee on Health Care recommends a committee substitute for the following: SB 2372

The Committee on Judiciary recommends committee substitutes for the following: CS for SB 184, SB 1044

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

The Committee on Education recommends committee substitutes for the following: SB 1724, SB 2134

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

The Committee on Judiciary recommends committee substitutes for the following: CS for CS for SB 858, SB 1664, SB 1780

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

The Committee on Judiciary recommends committee substitutes for the following: CS for SB 1944 and SB 2008, SB 2624

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

The Committee on Judiciary recommends a committee substitute for the following: SB 188

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

The Committee on Community Affairs recommends a committee substitute for the following: CS for SB 1850

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

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 1726

The Committee on Judiciary recommends a committee substitute for the following: CS for SB 1802

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

The Committee on Transportation and Economic Development Appropriations recommends a committee substitute for the following: CS for CS for SB 454

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

The Committee on Government Efficiency Appropriations recommends a committee substitute for the following: CS for SB 2434

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

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 1568

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

The Committee on Education Appropriations recommends committee substitutes for the following: CS for CS for SB 2, CS for SB 2236, CS for SB 2254, CS for SB 2264

The Committee on Ways and Means recommends a committee substitute for the following: CS for CS for SB 360

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

The Committee on General Government Appropriations recommends a committee substitute for the following: CS for CS for SB 1520

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: CS for SB 1968

The Committee on Judiciary recommends committee substitutes for the following: CS for SB 756, SB 988, SB 1030, SB 1688, SB 2002, SB 2050, CS for SB 2494, CS for SB 2498

The Committee on Justice Appropriations recommends committee substitutes for the following: SB 1702, CS for SB 2542

The Committee on Transportation and Economic Development Appropriations recommends a committee substitute for the following: CS for SB 2176

The Committee on Ways and Means recommends committee substitutes for the following: CS for SB 778, CS for SB 1660

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

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

Senate Resolutions 2766-2772—Not referenced.

By Senator Campbell—

SB 2774—A bill to be entitled An act relating to Broward County; creating the Broward County Council for Services for Seniors and Adults with Developmental Disabilities; creating an independent special district to provide funding for services for seniors and adults with developmental disabilities; requiring approval by a majority vote of electors to annually levy ad valorem taxes not to exceed a certain maximum; creating a governing board for the district; specifying criteria for membership to the governing board; providing terms of office; specifying the powers

and functions of the council; requiring the council to appoint a chair and vice chair and elect officers, to identify and assess the needs of seniors and adults with developmental disabilities, to provide training and orientation to new members of the council, to make and adopt bylaws and rules for the council's operation and governance, and to provide an annual report to the Broward County Board of County Commissioners; requiring the council to maintain minutes of each meeting and to serve without compensation; requiring the council to prepare a tentative annual budget and to compute a millage rate to fund the tentative budget; requiring that all tax moneys collected be paid directly to the council by the Broward County Tax Collector and deposited in qualified public depositories; specifying expenditures of funds; requiring the council to prepare and file a financial report to the Broward County Board of County Commissioners; providing that the district may be amended or dissolved by a special act of the Legislature; authorizing the Broward County Board of County Commissioners to fund the budget of the council from its own funds after or during the council's first year of operation; requiring the district to comply with statutory requirements related to the filing of a financial or compliance report; authorizing the district to seek grants and accept donations from public and private sources; providing legislative intent with respect to the use of funds collected by the council; prohibiting the council from requiring certain matching funds; requiring a referendum; providing a ballot statement; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Campbell—

SB 2776—A bill to be entitled An act relating to Broward County; providing for the extension of corporate limits of the City of Cooper City and the Town of Davie; providing for annexation of the unincorporated area known as "United Ranches"; providing for annexation of the area known as "Rio Ranches Neighborhood"; providing for an election; providing for an effective date of annexation; providing for interlocal agreement; providing for continuation of certain Broward County regulations; providing for transfer of public roads and rights-of-way; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Fasano—

SB 2778—A bill to be entitled An act relating to Pasco County; providing that a resolution of the District School Board of Pasco County which provides for receipt of proceeds from the local government infrastructure surtax authorized under s. 212.055(2), F.S., may include a covenant to decrease capital local school property taxes or to discontinue the surtax in certain circumstances; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

COMMITTEE SUBSTITUTES

FIRST READING

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

CS for CS for SB 2—A bill to be entitled An act relating to scholarship programs; amending s. 1002.39, F.S., relating to the John M. McKay Scholarships for Students with Disabilities Program; revising the definition of an eligible student; revising the eligibility requirements of the program; revising requirements for scholarship funding and payments; providing reporting requirements for school districts; holding a school district harmless from a specified student enrollment ceiling; prohibiting the transfer of funds to the Florida School for the Deaf and the Blind under certain circumstances; extending the term of the scholarship; prohibiting certain students from receiving a scholarship; revis-

ing the parental notification requirements; authorizing certain scholarship students to participate in a distance learning or correspondence course or a private tutoring program under certain circumstances; providing a definition of timely parental notification; providing requirements for district school boards with respect to completing and making changes to the matrix of services for scholarship students; requiring school districts to provide parental notification related to reassessments; revising requirements that a participating private school demonstrate fiscal soundness; requiring annual registration of private schools; providing requirements for documentation and notice; providing additional requirements for participating private schools; requiring annual sworn and notarized compliance statements to be filed with the department; requiring specific documentation for participating scholarship students; requiring that the private school maintain a physical location in this state; requiring that information be made available to potential scholarship students and the department; requiring scholarship students to participate in assessments; requiring notification to parents regarding student skill levels; requiring notification to the department regarding changes in information; requiring notification to local health departments; prohibiting discrimination on the basis of religion by a private school; requiring certain individuals to undergo level 2 background screening requirements pursuant to s. 943.0542, F.S.; requiring the Department of Education to verify the background screening information provided by the private school; providing for the Department of Law Enforcement to retain and search fingerprint records; providing for an annual fee as provided by rule of the Department of Law Enforcement; requiring that costs of background checks to be borne by certain parties; requiring the Department of Law Enforcement to provide the Department of Education with information related to background screening; prohibiting a private school from acting as an attorney in fact for the parent of a scholarship student or endorsing scholarship warrants on behalf of a parent; prohibiting participating private schools from sending or directing scholarship funds to parents of a scholarship student who receives instruction at home; prohibiting a participating school from being a private tutoring program or a correspondence or distance learning school; requiring a private school that is subject to enforcement action by the department for certain violations to file certain surety bonds and, pending compliance with certain laws, cease accepting new scholarship students; prohibiting a participating school from accepting students pending verification of information; authorizing a participating private school to request, and the department to grant, closed-enrollment status for a school; requiring a private school that is subject to enforcement action by the department for certain violations to file certain surety bonds and, pending compliance with certain laws, cease accepting new scholarship students; prohibiting the parent of a scholarship student from designating a participating private school as the parent's attorney in fact to sign a scholarship warrant; clarifying that the school district must report to the department the students who are attending a private school under the program; establishing additional obligations of the Department of Education; requiring the department to review, approve, and verify information; requiring the department to determine the eligibility of a private school to participate in the program; requiring the department to publish an on-line list of current eligible private schools; requiring the department to deny or refuse to allow the participation of a private school for failing to meet certain requirements; requiring the department to issue a notice of noncompliance for minor violations; providing for an emergency order revoking the registration of a private school for failing to satisfy the requirements in the notice; requiring the Department of Education to immediately revoke the registration of a private school for certain other violations; requiring the department to revoke the scholarship for a participant for failing to comply with statutory requirements or for engaging in specified practices; requiring the department to conduct investigations of legally sufficient complaints of violations; authorizing the department to require supporting information or documentation; authorizing the Department of Education to change the matrix of services under certain circumstances; providing for audits by the Auditor General; providing requirements for the audits; requiring the State Board of Education to adopt rules; specifying the required rules; amending s. 220.187, F.S., relating to the Corporate Tax Credit Scholarship Program; providing a short title; providing definitions; eliminating the \$5-million cap on contributions to any single eligible nonprofit scholarship-funding organization; prohibiting certain private schools and other entities from participating in the scholarship program; authorizing students whose family income level meets certain federal poverty level criteria to continue to participate in the scholarship program; prohibiting certain students from participating in the scholarship program; revising limitations on the allocation of annual credits granted under the program; providing limitations

on eligible contributions; requiring scholarship-funding organizations to obligate all of the contributions subject to certain conditions; requiring the Auditor General to review certain audits, request certain information, and report to the Legislative Auditing Committee any findings of noncompliance; authorizing the Legislative Auditing Committee to conduct hearings and compel the Department of Education to revoke eligibility of certain nonprofit scholarship-funding organizations; providing for audit reports to be submitted to the Department of Education; requiring audits be conducted within 180 days after completion of the nonprofit scholarship-funding organization's fiscal year; requiring a nonprofit scholarship-funding organization to make scholarship payments at least on a quarterly basis; prohibiting commingling of certain scholarship funds; requiring a nonprofit scholarship-funding organization to maintain a separate account for scholarship funds; requiring a nonprofit scholarship-funding organization to verify student attendance at a private school prior to submission of scholarship funds; requiring a nonprofit scholarship-funding organization to verify income eligibility of qualified students at least once a year in accordance with State Board of Education rules; requiring a nonprofit scholarship-funding organization to submit certain reports to the Department of Education; requiring certain individuals to undergo level 2 background screening requirements pursuant to s. 435.04, F.S.; providing for the Department of Law Enforcement to retain and search fingerprint records; providing for an annual fee as provided by rule of the Department of Law Enforcement; requiring costs of background checks be borne by certain parties; requiring the Department of Education to verify the background screening information provided by the eligible nonprofit scholarship-funding organization; requiring the Department of Law Enforcement to provide the Department of Education with information related to background screening; prohibiting certain eligible nonprofit scholarship-funding organizations the owners of which have filed for bankruptcy from participating in the program; requiring a nonprofit scholarship-funding organization comply with antidiscrimination provisions of 42 U.S.C. s. 2000d; prohibiting an owner or a nonprofit scholarship-funding organization from owning, operating, or administering an eligible private school under the scholarship program; requiring a nonprofit scholarship-funding organization to report any private school not in compliance with scholarship program requirements to the Department of Education; prohibiting provision of scholarship funds to a student to attend a private school not in compliance; authorizing a parent to transfer the scholarship; requiring award of scholarships on a first-come, first-served basis; prohibiting a nonprofit scholarship-funding organization from targeting certain students for scholarships; prohibiting the award of scholarships to a child of an owner of a nonprofit scholarship-funding organization; prohibiting a nonprofit scholarship-funding organization from securing financing in anticipation of eligible contributions; prohibiting a nonprofit scholarship-funding organization from participating in the program if the organization fails to meet statutory obligations; requiring students to meet certain attendance policies; requiring parents to meet certain parental involvement requirements unless excused; prohibiting a parent from authorizing a power of attorney for endorsement of scholarship warrant; requiring a parent to ensure that a scholarship student participates in testing requirements; prohibiting a student or parent of a student from participating in the scholarship program if the student or parent fails to meet statutory obligations; revising provisions with respect to private schools; revising requirements that a participating private school demonstrate fiscal soundness; requiring a private school that is subject to enforcement action by the department for certain violations to file certain surety bonds and, pending compliance with certain laws, cease accepting new scholarship students; requiring a private school to employ or contract with teachers who have regular and direct contact with students at the school's physical location; requiring the private schools to employ or contract with teachers who have at least a baccalaureate degree or 3 years of teaching experience at a public or private school, and other skills that qualify the teacher to provide appropriate instruction; requiring a private school to report to the Department of Education the qualifications of teachers; requiring a private school to annually register with the Department of Education and provide certain information concerning the private school organization, student list, and notice of intent to participate in the scholarship program; requiring certain individuals to undergo level 2 background screening requirements pursuant to s. 435.04, F.S.; providing for the Department of Law Enforcement to retain and search fingerprint records; providing for an annual fee as provided by rule of the Department of Law Enforcement; requiring that costs of background checks be borne by certain parties; requiring the Department of Law Enforcement to provide the Department of Education with information related to background screening;

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

By the Committees on Judiciary; Children and Families; and Senators Lynn and Wilson—

CS for CS for SB 184—A bill to be entitled An act relating to drug court programs; amending s. 39.001, F.S.; providing additional legislative purposes and intent with respect to the treatment of substance abuse, including the use of the drug court program model; authorizing the court to require certain persons to undergo treatment following adjudication; providing that the court is not precluded from ordering drug testing; amending s. 39.407, F.S.; authorizing the court to order specified persons to submit to a substance abuse assessment upon a showing of good cause in connection with a shelter petition or petition for dependency; amending ss. 39.507 and 39.521, F.S.; authorizing the court to order specified persons to submit to a substance abuse assessment as part of an adjudicatory order or under a disposition hearing; requiring a showing of good cause; authorizing the court to require participation in a treatment-based drug court program; authorizing the court to impose sanctions for noncompliance; amending s. 39.701, F.S.; authorizing the court to extend the time for completing a case plan during judicial review, based upon participation in a treatment-based drug court program; amending s. 397.334, F.S.; revising legislative intent with respect to treatment-based drug court programs to reflect participation by community support agencies, the Department of Education, and other individuals; including postadjudicatory programs as part of treatment-based drug court programs; providing requirements and sanctions, including clinical placement or incarceration, for the coordinated strategy developed by the drug court team to encourage participant compliance; requiring each judicial circuit to establish a position for

a coordinator of the treatment-based drug court program, subject to annual appropriation by the Legislature; authorizing the chief judge of each judicial circuit to appoint an advisory committee for the treatment-based drug court program; providing for membership of the committee; revising provisions with respect to an annual report; amending s. 910.035, F.S.; revising provisions with respect to conditions for the transfer of a case in the drug court treatment program to a county other than that in which the charge arose; amending ss. 948.08, 948.16, and 985.306, F.S., relating to felony, misdemeanor, and delinquency pretrial substance abuse education and treatment intervention programs; providing requirements and sanctions, including clinical placement or incarceration, for the coordinated strategy developed by the drug court team to encourage participant compliance and removing provisions authorizing the appointment of an advisory committee, to conform to changes made by the act; providing an effective date.

By the Committee on Judiciary; and Senator Campbell—

CS for SB 188—A bill to be entitled An act relating to the offense of sexual battery on a minor; amending s. 95.11, F.S.; providing for the time period for commencing a civil action based upon an act that constitutes sexual battery upon a minor to be tolled under certain circumstances; limiting the application of the tolling; amending s. 775.15, F.S.; providing that the time period for commencing a prosecution for sexual battery upon a minor does not run during certain specified time periods; providing an effective date.

By the Committees on Ways and Means; Transportation; Community Affairs; and Senator Bennett—

CS for CS for CS for SB 360—A bill to be entitled An act relating to infrastructure planning and funding; amending s. 163.3164, F.S.; defining the term “financial feasibility”; amending s. 163.3177, F.S.; revising requirements for the capital improvements element of a comprehensive plan; requiring a schedule of capital improvements; providing a deadline for certain amendments; providing an exception; providing for sanctions; requiring incorporation of selected water supply projects in the comprehensive plan; authorizing planning for multijurisdictional water supply facilities; providing requirements for counties and municipalities with respect to the public school facilities element; requiring an interlocal agreement; exempting certain municipalities from such requirements; requiring that the state land planning agency establish a schedule for adopting and updating the public school facilities element; encouraging local governments to include a community vision and an urban service boundary as a component of their comprehensive plans; prescribing taxing authority of local governments doing so; repealing s. 163.31776, F.S., relating to the public educational facilities element; amending s. 163.31777, F.S.; revising the requirements for the public schools interlocal agreement to conform to changes made by the act; requiring the school board to provide certain information to the local government; amending s. 163.3180, F.S.; revising requirements for concurrency; providing for schools to be subject to concurrency requirements; requiring that an adequate water supply be available for new development; revising requirements for transportation facilities; requiring that the Department of Transportation be consulted regarding certain level-of-service standards; revising criteria and providing guidelines for transportation concurrency exception areas; requiring a local government to consider the transportation level-of-service standards of adjacent jurisdictions for certain roads; providing a process to monitor de minimis impacts; revising the requirements for a long-term transportation concurrency management system; providing for a long-term school concurrency management system; requiring that school concurrency be established on less than a districtwide basis within 5 years; providing certain exceptions; authorizing a local government to approve a development order if the developer executes a commitment to mitigate the impacts on public school facilities; providing requirements for such proportionate fair-share mitigation; requiring the adoption of a transportation concurrency management system by ordinances; amending s. 163.3184, F.S.; prescribing authority of local governments to adopt plan amendments after adopting community vision and an urban service boundary; providing for small scale plan amendment review under certain circumstances; providing an exemption; amending s. 163.3191, F.S.; providing additional requirements for the evaluation and assessment of the comprehensive plan for counties and municipalities that do not have

a public schools interlocal agreement; revising requirements for the evaluation and appraisal report; providing time limit for amendments relating to the report; amending s. 212.055, F.S.; revising permissible rates for charter county transit system surtax; revising methods for approving such a surtax; providing for a noncharter county to levy this surtax under certain circumstances; limiting the expenditure of the proceeds to a specified area under certain circumstances; revising methods for approving a local government infrastructure surtax; limiting the expenditure of the proceeds to a specified area under certain circumstances; revising a ceiling on rates of small county surtaxes; revising methods for approving a school capital outlay surtax; amending s. 206.41, F.S.; providing for annual adjustment of the ninth-cent fuel tax and local option fuel tax; amending s. 336.021, F.S.; revising methods for approving such a fuel tax; limiting authority of a county to impose the ninth-cent fuel tax without adopting a community vision; amending s. 336.025, F.S.; limiting authority of a county to impose the local option fuel tax without adopting a community vision; revising methods for approving such a fuel tax; amending s. 339.135, F.S., relating to tentative work programs of the Department of Transportation; conforming provisions to changes made by the act; requiring the Office of Program Policy Analysis and Government Accountability to perform a study of the boundaries of specified state entities; requiring a report to the Legislature; creating s. 163.3247, F.S.; providing a popular name; providing legislative findings and intent; creating the Century Commission for certain purposes; providing for appointment of commission members; providing for terms; providing for meetings and votes of members; requiring members to serve without compensation; providing for per diem and travel expenses; providing powers and duties of the commission; requiring the creation of a joint select committee of the Legislature; providing purposes; requiring the Secretary of Community Affairs to select an executive director of the commission; requiring the Department of Community Affairs to provide staff for the commission; providing for other agency staff support for the commission; creating s. 339.2819, F.S.; creating the Transportation Regional Incentive Program within the Department of Transportation; providing matching funds for projects meeting certain criteria; amending s. 337.107, F.S.; allowing the inclusion of right-of-way services in certain design-build contracts; amending s. 337.11, F.S.; allowing the Department of Transportation to include right-of-way services and design and construction into a single contract; providing an exception; delaying construction activities in certain circumstances; amending s. 337.107, F.S., effective July 1, 2007; eliminating the inclusion of right-of-way services as part of design-build contracts under certain circumstances; amending s. 337.11, F.S., effective July 1, 2007; allowing design and construction phases to be combined for certain projects; deleting an exception; amending s. 380.06, F.S.; providing exceptions; amending s. 1013.33, F.S.; conforming provisions to changes made by the act; amending s. 206.46, F.S.; increasing the threshold for maximum debt service for transfers in the State Transportation Trust Fund; amending s. 339.08, F.S.; providing for expenditure of moneys in the State Transportation Trust Fund; amending s. 339.155, F.S.; providing for the development of regional transportation plans in Regional Transportation Areas; amending s. 339.175, F.S.; making conforming changes to provisions of the act; amending s. 339.55, F.S.; providing for loans for certain projects from the state-funded infrastructure bank within the Department of Transportation; amending s. 1013.64, F.S.; providing for the expenditure of funds in the Public Education Capital Outlay and Debt Service Trust Fund; amending s. 1013.65, F.S.; providing funding for the Classrooms for Kids Program; amending s. 201.15, F.S.; providing for the expenditure of certain funds in the Land Acquisition Trust Fund; providing for appropriations for the 2005-2006 fiscal year on a nonrecurring basis for certain purposes; providing effective dates.

By the Committees on Transportation and Economic Development Appropriations; Governmental Oversight and Productivity; Transportation; and Senators Sebesta and Lynn—

CS for CS for CS for SB 454—A bill to be entitled An act relating to highway safety; amending s. 61.13016, F.S.; directing the department to issue a driver's license restricted for business purposes only under certain circumstances relating to failure to pay child support; amending s. 316.006, F.S.; providing for interlocal agreements between municipalities and counties transferring traffic regulatory authority; amending s. 316.083, F.S.; requiring an appropriate signal when overtaking and passing a vehicle; amending s. 316.155, F.S.; specifying that signals are required when moving right or left or overtaking or passing a vehicle;

amending s. 316.2095, F.S.; revising physical requirements for operating motorcycles under certain circumstances; amending s. 316.212, F.S.; granting local jurisdictions the authority to enact ordinances governing the use of golf carts which are more restrictive than state law; amending s. 316.2126, F.S.; requiring that the use of golf carts upon any state, county, or municipal road within a local jurisdiction be in compliance with local ordinances governing the use of golf carts; amending s. 316.302, F.S.; providing a penalty for operating a commercial motor vehicle bearing a false or other illegal identification number; amending s. 316.3045, F.S.; revising criteria related to the operation of radios or other sound-making devices in motor vehicles; amending s. 318.1215, F.S.; clarifying that funds from the Dori Slosberg Driver Education Safety Act be used for driver education programs in schools; requiring that funds be used for enhancement of a driver education program; providing a requirement for behind-the-wheel training; amending s. 318.14, F.S.; providing penalties for certain traffic infractions requiring a mandatory hearing; providing for distribution of moneys collected; amending s. 318.21, F.S.; providing for distribution of specified civil penalties by county courts; amending s. 319.30, F.S.; revising provisions relating to the applicability of certificate of destruction requirements for certain damaged vehicles; amending s. 320.02, F.S.; authorizing the withholding of motor vehicle registrations or re-registrations in certain situations; requiring motor vehicle dealers to maintain certain information; allowing owners and co-owners to dispute a dealer's claims of money owed; amending s. 320.27, F.S.; providing for motor vehicle dealer license discipline for the failure to maintain evidence of notification to the owner or co-owner of a vehicle regarding registration and titling fees owed; revising authorized uses of revenues from the United We Stand specialty license plate; amending s. 320.08058, F.S.; redesignating the Florida Special Olympics license plate as the Special Olympics Florida license plate and revising design requirements for such specialty license plate; revising requirements for agencies that receive funds from the Choose Life license plate; revising authorized uses of revenues from the Animal Friend specialty license plate; amending s. 320.089, F.S.; allowing retired members of the U.S. Armed Forces Reserve to be issued U.S. Reserve license plates; amending s. 320.77, F.S.; providing that mobile home dealers may provide a cash bond or letter of credit in lieu of a required surety bond; amending s. 322.08, F.S.; revising the use of funds collected from a voluntary contribution associated with driver's license renewals to be used for the purposes designated by the Hearing Research Institute, Inc.; amending s. 322.2615, F.S.; providing that the disposition of a related criminal proceeding may not affect a suspension of a driver's license for refusal to submit to blood, breath, or urine testing; directing the Department of Highway Safety and Motor Vehicles to invalidate a suspension for driving with an unlawful blood-alcohol level or breath-alcohol level if the suspended person is found not guilty at trial of the underlying violation of law; creating the Manufactured Housing Regulatory Study Commission; providing for membership; providing duties; requiring the commission to file a report with the Governor and the Legislature; amending s. 322.27, F.S.; correcting a cross-reference relating to points assigned for littering violations; amending s. 322.61, F.S.; specifying additional violations that disqualify a person from operating a commercial motor vehicle; providing penalties; providing an exception to the requirement that a commercial driver's license be in possession of the commercial driver; removing requirements for a Class D driver's license; amending s. 321.24, F.S.; providing that certain medical professionals who volunteer for Florida Highway Patrol service are considered employees of the state for sovereign immunity purposes; creating s. 549.102, F.S.; authorizing temporary overnight parking during a motorsports event at a motorsports entertainment complex; exempting such parking from regulations relating to recreational vehicle parks; providing for application of health agency requirements; providing effective dates.

By the Committees on Judiciary; Community Affairs; and Senator Margolis—

CS for CS for SB 756—A bill to be entitled An act relating to the exercise of eminent domain by municipalities; providing legislative intent; authorizing specified municipalities to exercise the power of eminent domain for public school purposes; providing for future expiration; providing an effective date.

By the Committees on Ways and Means; Governmental Oversight and Productivity; and Senators Lawson, Argenziano, Campbell and Rich—

CS for CS for SB 778—A bill to be entitled An act relating to per diem and travel expenses; amending s. 112.061, F.S.; establishing per diem, subsistence, and mileage rates for travel expenses of public employees; conforming provisions and deleting obsolete provisions; providing legislative intent; requiring state agencies to submit certain information; providing an appropriation; requiring the Governor to recommend a budget amendment to distribute the appropriation; providing an effective date.

By the Committees on Judiciary; Environmental Preservation; Agriculture; and Senator Smith—

CS for CS for CS for SB 858—A bill to be entitled An act relating to agriculture; amending s. 193.451, F.S.; clarifying the value for purpose of assessment for ad valorem taxes of certain property leased by the Department of Agriculture and Consumer Services; providing intent for retroactive application; amending ss. 372.921 and 372.922, F.S.; conforming provisions relating to regulatory authority over the possession, control, care, and maintenance of bison; creating s. 450.175, F.S.; providing a part title; repealing s. 450.211, F.S., relating to the advisory committee for the Legislative Commission on Migrant Labor; amending s. 487.2031, F.S.; redefining the term "material safety data sheet" for purposes of the Florida Agricultural Worker Safety Act; creating s. 487.2042, F.S.; providing for investigation of complaints; providing criteria for the commencement of an investigation; providing for exemption from civil liability under certain circumstances; providing penalties for making a false complaint; amending s. 502.014, F.S.; deleting a duty of the department relating to issuance of a temporary marketing permit for milk and milk products and a fee therefor; amending s. 502.091, F.S.; deleting a reference to a milk type no longer produced; amending s. 503.011, F.S.; updating a reference in the definition of the term "frozen desserts"; amending s. 531.39, F.S.; deleting an outdated reference relating to state standards for weights and measures; amending s. 531.47, F.S.; revising provisions relating to packages on which information is required; amending s. 531.49, F.S.; revising provisions relating to advertising packaged commodities; amending s. 570.07, F.S.; clarifying the power of the Department of Agriculture and Consumer Services; providing an additional power of the Department of Agriculture and Consumer Services; creating s. 570.076, F.S.; authorizing the department to adopt rules establishing the Environmental Stewardship Certification Program; providing program standards; providing requirements for receipt of an agricultural certification; authorizing the Soil and Water Conservation Council to develop and recommend additional criteria; authorizing the department and the Institute of Food and Agricultural Sciences at the University of Florida to develop, deliver, and certify completion of a curriculum; amending s. 570.9135, F.S.; correcting a cross-reference; amending s. 570.952, F.S.; amending the membership of the Florida Agriculture Center and Horse Park Authority; providing criteria for expiration of terms; deleting a requirement to submit information to the Legislature; amending s. 581.011, F.S.; defining the term "invasive plant"; amending s. 581.083, F.S.; prohibiting the cultivation of nonnative plants for purposes of fuel production or purposes other than agriculture in plantings greater than a specified size, except under a special permit issued by the department; providing an exemption; requiring application for a special permit and a fee therefor; requiring an applicant to show proof of security through a bond or certificate of deposit; defining the term "certificate of deposit"; requiring removal and destruction of plants under certain circumstances; specifying circumstances under which the department may issue a final order for plant removal and destruction; requiring reimbursement of costs and expenses for plant removal and destruction by the department; providing requirements for maintenance of a bond or certificate of deposit by a permit holder; providing requirements relating to assignment and cancellation of a bond or certificate of deposit; authorizing a requirement for an annual bond or certificate of deposit and an increase or decrease in the amount of security required; authorizing the department to verify statements and accounts with respect to cultivated acreage; providing for suspension or revocation of a special permit under certain circumstances; amending s. 585.002, F.S.; providing for department regulatory authority over the possession, control, care, and maintenance of bison; providing an exception; amending s. 590.125, F.S.; clarifying liability with respect to prescribed burning; providing severability; providing an effective date.

By the Committee on Education; and Senators Baker, Fasano, Diaz de la Portilla, Garcia, Posey, Sebesta, Villalobos, Peaden, Haridopolos, Clary, Wise, Webster, Dockery, Bennett, Alexander and Atwater—

CS for SB 876—A bill to be entitled An act relating to educational choice programs; creating s. 1002.395, F.S.; establishing the K-12 GI Bill Program to provide educational options for dependents of an active-duty member of the Florida National Guard who is serving in Operation Enduring Freedom or Operation Iraqi Freedom; providing that a student may attend a public school in the school district other than the one to which assigned; providing that a student may receive a K-12 GI Bill to attend a public school in an adjacent school district or to attend a private school; providing K-12 GI Bill eligibility requirements; providing school district obligations; providing private school eligibility requirements; providing obligations of families choosing the private school option; providing for the amount, funding, and payment of a K-12 GI Bill; exempting the state from liability; authorizing the State Board of Education to adopt rules; providing eligibility restrictions; providing obligations of the Department of Education; providing authority and obligations of the Commissioner of Education, including the denial, suspension, or revocation of a private school's participation in the program and procedures and timelines therefor; authorizing the waiver of deadlines; requiring background screening of individuals having direct student contact; amending s. 1002.20, F.S., relating to student and parent rights to educational choice, to conform; providing an effective date.

By the Committee on Judiciary; and Senator Campbell—

CS for SB 988—A bill to be entitled An act relating to evidence; repealing s. 90.602, F.S., relating to testimony of interested persons regarding oral communication with a deceased or mentally incompetent person; amending s. 90.804, F.S.; providing a hearsay exception in specified actions or proceedings for a statement made by a declarant who is unavailable due to death, illness, or infirmity regarding the same subject matter as a statement made by the declarant that was previously offered by an adverse party and admitted; providing an effective date.

By the Committee on Judiciary; and Senator Campbell—

CS for SB 1030—A bill to be entitled An act relating to financial responsibility for operation of motor vehicles; amending s. 324.021, F.S.; expanding the definition of "rental company" for purposes of an exclusion from an exemption from application of certain limits of liability provisions to include certain holders of a motor vehicle title or an equity interest in a motor vehicle title under certain circumstances; providing an effective date.

By the Committee on Judiciary; and Senator Crist—

CS for SB 1044—A bill to be entitled An act relating to juvenile proceedings; amending s. 985.228, F.S.; providing the time period by which a juvenile shall be brought for an adjudicatory hearing; repealing Florida Rule of Juvenile Procedure 8.090 to the extent it is inconsistent with the act; providing an effective date; providing a contingent effective date.

By the Committee on Education; and Senators Wise and Dockery—

CS for SB 1260—A bill to be entitled An act relating to education; creating part VI of ch. 1011, F.S.; establishing the SUCCEED, Florida - Crucial Professionals Program; providing for the appropriation of funds to the Department of Education to be distributed on a competitive basis to postsecondary educational institutions to offer programs that meet critical workforce needs; providing for an annual request for proposals and requirements of such proposals; requiring the establishment annually by the Legislature of a priority list for funding and selection by the State Board of Education; providing requirements for grant recipients and renewal grants; amending s. 1007.2615, F.S.; establishing a deadline by which American Sign Language teachers must be certified; repealing s. 446.609, F.S., relating to the Jobs for Florida's Graduates Act; approving a transfer of an endowment from the Appleton Cultural Cen-

ter, Inc., to the Central Florida Community College Foundation; providing restrictions on the management of the endowment; releasing the foundation from certain trust agreement and statutory requirements; providing an effective date.

By the Committees on General Government Appropriations; Judiciary; Commerce and Consumer Services; and Senator Lynn—

CS for CS for CS for SB 1520—A bill to be entitled An act relating to consumer protection; amending s. 493.6303, F.S.; revising training requirements for obtaining a Class "D" license; requiring a minimum number of hours of training in terrorism awareness or other training prescribed by the Department of Agriculture and Consumer Services; providing a timeframe for submitting proof of having completed the training; revising the number of training hours required; amending s. 501.059, F.S.; prohibiting the transmission of facsimile documents under certain circumstances; amending s. 501.142, F.S.; providing that the regulation of refunds in retail sales establishments is preempted by the Department of Agriculture and Consumer Services; authorizing the department to adopt rules; authorizing the department to enter orders for certain violations; requiring that any moneys recovered by the department as a penalty be deposited in the General Inspection Trust Fund; authorizing a local government to impose penalties; amending s. 506.5131, F.S.; revising fees, fines, and costs assessed against the owner of a shopping cart; repealing s. 526.3135, F.S., relating to reports of the Division of Standards of the Department of Agriculture and Consumer Services; repealing ss. 546.001, 546.002, 546.003, 546.004, 546.006, and 546.008, F.S., relating to the "Amusement Ride and Attraction Insurance Act"; amending s. 559.801, F.S.; redefining the term "business opportunity" for purposes of the "Sale of Business Opportunities Act"; amending s. 559.920, F.S.; redefining actions by motor vehicle repair shops or employees which are unlawful; amending s. 559.927, F.S.; defining the term "travel club" for the purpose of part XI of ch. 559, F.S., relating to sellers of travel; amending s. 559.928, F.S.; revising information to be submitted for registration as a seller of travel and information submitted by independent agents; requiring the payment of an annual fee; amending s. 616.242, F.S.; exempting certain governmental entities from a requirement to maintain liability protection covering amusement rides; amending s. 849.094, F.S.; redefining the term "operator" for purposes of the regulation of game promotions; providing requirements relating to disclosure of the rules and regulations of a game promotion; directing the State Technology Office to integrate additional features into the state's official Internet website; directing the State Technology Office to integrate information concerning the Florida 211 Network into the state's official Internet website; amending s. 570.544, F.S.; designating the Division of Consumer Services within the Department of Agriculture and Consumer Services as the state clearinghouse for matters relating to consumer protection, consumer information, and consumer services; deleting reporting requirements; providing for implementation; providing effective dates.

By the Committee on Governmental Oversight and Productivity; and Senators Aronberg and Wilson—

CS for SB 1568—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.021, F.S.; redefining the term "compensation" to include certain supplementary payments made to firefighters, paramedics, and emergency medical technicians and to certain employer-reported retirement contributions; providing legislative intent; providing an effective date.

By the Committees on Ways and Means; Banking and Insurance; and Senators Fasano, Lawson and Baker—

CS for CS for SB 1660—A bill to be entitled An act relating to health insurance; amending s. 408.05, F.S.; changing the due date for a report from the Agency for Health Care Administration regarding the State Center for Health Statistics; amending s. 408.909, F.S.; providing an additional criterion for the Office of Insurance Regulation to disapprove or withdraw approval of health flex plans; amending s. 627.413, F.S.; authorizing insurers and health maintenance organizations to offer policies or contracts providing for a high-deductible plan meeting federal

requirements and in conjunction with a health savings account; amending s. 627.6487, F.S.; revising the definition of the term "eligible individual" for purposes of obtaining coverage in the Florida Health Insurance Plan; amending s. 627.64872, F.S.; revising definitions; changing references to the Director of the Office of Insurance Regulation to the Commissioner of Insurance Regulation; deleting obsolete language; providing additional eligibility criteria; reducing premium rate limitations; revising requirements for sources of additional revenue; authorizing the board to cancel policies under inadequate funding conditions; providing a limitation; specifying a maximum provider reimbursement rate; requiring licensed providers to accept assignment of plan benefits and consider certain payments as payments in full; amending s. 627.65626, F.S.; providing insurance rebates for healthy lifestyles; amending s. 627.6692, F.S.; extending a time period within which eligible employees may apply for continuation of coverage; amending s. 627.6699, F.S.; revising standards for determining applicability of the Employee Health Care Access Act; prescribing acts that may be performed by an employer without being considered contributing to premiums or facilitating administration of a policy; authorizing certain carriers to offer coverage to certain employees without being subject to the act under certain circumstances; requiring a carrier who offers such coverage to provide notice to the primary insured prior to cancellation for nonpayment of premium; revising an availability of coverage provision of the Employee Health Care Access Act; including high-deductible plans meeting federal health savings account plan requirements; revising membership of the board of the small employer health reinsurance program; revising certain reporting dates relating to program losses and assessments; requiring the board to advise executive and legislative entities on health insurance issues; providing requirements; amending s. 641.27, F.S.; increasing the interval at which the office examines health maintenance organizations; deleting authorization for the office to accept an audit report from a certified public accountant in lieu of conducting its own examination; increasing an expense limitation; amending s. 641.31, F.S.; providing for an insurance rebate for members in a health wellness program; providing for the rebate to cease under certain conditions; creating a high-deductible health insurance plan study group; specifying membership; requiring the study group to investigate certain issues relating to high-deductible health insurance plans; requiring the group to meet and submit recommendations to the Governor and Legislature; repealing s. 627.6402, F.S., relating to authorized insurance rebates for healthy lifestyles; providing application; providing appropriations; providing an effective date.

By the Committee on Judiciary; and Senator Peaden—

CS for SB 1664—A bill to be entitled An act relating to contaminated drycleaning facilities; amending s. 376.3078, F.S.; providing that a drycleaning facility where an accident caused or exacerbated contamination is eligible for an exemption from liability; defining the term "accident"; providing an effective date.

By the Committee on Judiciary; and Senator Atwater—

CS for SB 1688—A bill to be entitled An act relating to trusts and other agency relationships; amending s. 711.501, F.S.; including additional investment instruments within the definition of the term "security account"; amending s. 737.402, F.S.; revising the powers conferred upon a trustee; amending s. 737.403, F.S.; specifying circumstances in which court authorization is not required for a trustee to exercise his or her power when a conflict of interest exists; amending s. 738.104, F.S.; revising the circumstances in which a trustee is prohibited from making an adjustment when such adjustment would benefit the trustee; clarifying the application of law pertaining to the trustee's power to adjust; amending s. 738.1041, F.S.; providing definitions governing certain trust conversions; revising method of determining fair market value; specifying consequences when a court determines that a fiduciary has not acted in good faith; providing for creating an express total return unitrust; amending s. 738.303, F.S.; defining the term "undistributed income" for purposes of a trust that is administered as a unitrust; amending s. 738.401, F.S.; providing guidelines for allocation of certain moneys received from targeted entities and investment entities; defining terms; creating s. 737.309, F.S.; providing procedures for the resignation of a trustee; providing that such resignation does not discharge or affect

any liability of the resigning trustee; providing for notice of resignation; providing an effective date.

By the Committee on Justice Appropriations; and Senators Bennett and Bullard—

CS for SB 1702—A bill to be entitled An act relating to teen courts; amending s. 938.19, F.S.; authorizing a board of county commissioners to adopt an ordinance that incorporates the provisions of the act; providing funding for a teen court through the assessment of an additional court cost against each person who pleads guilty or nolo contendere to, or is convicted of, a violation of a criminal law, an ordinance, or a traffic offense in the county; providing for administration by the clerk of the circuit court; authorizing the clerk of the court to retain a specified percentage of the assessments collected as income to the clerk of the court; requiring the teen court to account for all funds deposited into the teen court account; requiring an annual report to the board of county commissioners by a specified date; authorizing specified organizations to operate and administer a teen court program; prohibiting teen courts in counties adopting an ordinance from recovering court costs under s. 939.185, F.S.; amending s. 939.185, F.S.; providing an exception for teen court funding; providing an effective date.

By the Committee on Education; and Senators Wilson, Rich, Miller and Bullard—

CS for SB 1724—A bill to be entitled An act relating to discounted computers and Internet access for students; creating a program to offer discounted computers and Internet access to public school students in grades 5 through 12; authorizing the Department of Education to negotiate terms with computer manufacturers or nonprofit corporations; requiring the department to negotiate terms with broadband Internet access providers; requiring the department to adopt rules, including rules for provision of technical training to students; requiring the Digital Divide Council to implement a pilot project to assist low-income students with purchasing discounted computers and Internet access services; requiring the council to identify eligibility criteria for participation in the pilot project; providing for funding and authorizing the council to accept grants to implement the pilot project; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senators Wilson, Siplin, Hill, Miller, Bullard, Lawson and Dawson—

CS for SB 1726—A bill to be entitled An act relating to the social status of black men and boys; creating the Council on the Social Status of Black Men and Boys; providing for the appointment and qualification of members; providing for the appointment of members to fill vacant positions; providing for terms of office; requiring the council to make a systematic study of conditions affecting black men and boys; requiring the Office of the Attorney General to provide administrative support; requiring the council to submit an annual report to the Governor and Legislature; providing for reimbursement for per diem and travel expenses; requiring the Attorney General to organize the initial meeting of the council; providing for the expiration of the council; providing an appropriation; providing an effective date.

By the Committee on Judiciary; and Senator Smith—

CS for SB 1780—A bill to be entitled An act relating to dealers in agricultural products; amending s. 604.15, F.S.; revising definitions; expanding the list of products covered by the law; defining the terms "negotiating broker" and "producer's agent"; amending s. 604.16, F.S.; revising exceptions to provisions regulating dealers; amending s. 604.18, F.S., relating to applications for dealer licensure; requiring dealers to provide mailing and location address information; requiring dealers to provide certain information relating to the dollar amount of business done or to be done; amending s. 604.19, F.S.; providing requirements relating to cancellation of a bond or certificate of deposit; increasing license fees and delinquent renewal penalties; amending s. 604.20, F.S.; providing a calculation for the amount of a bond or certificate of deposit;

adding requirements relating to bond or certificate of deposit assignment or agreement; authorizing the Department of Agriculture and Consumer Services to issue a conditional license under certain conditions; amending s. 604.21, F.S.; increasing the minimum claim amount and requiring a complaint filing fee; providing requirements for submission of a complaint and payment for multiple claims; authorizing a dealer in agricultural products to file a complaint against another dealer in agricultural products; limiting the time a complaint may be held in abeyance; authorizing review of a final order; clarifying distribution of bond or certificate of deposit proceeds; amending s. 604.22, F.S.; revising recordkeeping requirements of licensees; clarifying application of provisions; amending ss. 604.23 and 604.25, F.S.; clarifying application of provisions; amending s. 604.30, F.S.; clarifying that a violator of provisions regulating dealers in agricultural products may be a person, partnership, corporation, or other business entity; increasing the maximum administrative fine and the fine for continued violation of an administrative order; providing an appropriation and authorizing additional positions; providing an effective date.

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

CS for CS for SB 1802—A bill to be entitled An act relating to capital collateral representation; amending s. 27.709, F.S.; authorizing the Commission on Capital Cases to sponsor certain continuing legal education classes; amending s. 27.710, F.S.; revising provisions relating to continuing legal education requirements for attorneys on the registry of attorneys applying to represent persons in postconviction capital collateral proceedings; providing for minimum qualification of attorneys on the registry; providing for notification to the court when appointed attorneys fail to submit specified reports; requiring an appointed attorney who does not wish to continue representation at the federal level to make reasonable efforts to assist the client in finding replacement counsel; amending s. 27.711, F.S.; providing for payment of attorneys after a final hearing, rather than after a final order; providing for additional payments to attorneys; increasing the maximum number of inmates which may be represented by a capital collateral attorney under limited circumstances; providing an effective date.

By the Committees on Community Affairs; Transportation; and Senator Peadar—

CS for CS for SB 1850—A bill to be entitled An act relating to outdoor advertising; amending s. 479.106, F.S.; prohibiting the planting of trees or other vegetation that screens a sign from view; providing the criteria for a view zone; providing penalties for violation; amending s. 479.25, F.S.; authorizing the owner of a sign to increase the height of the sign under certain circumstances; deleting a requirement that certain signs be approved by the Federal Highway Administration; requiring that a reconstructed sign be in compliance with the Florida Building Code; requiring the department and local governmental entity to issue permits for reconstruction, notwithstanding rules or ordinances to the contrary; providing an effective date.

By the Committees on Judiciary; Ethics and Elections; and Senators Posey and Sebesta—

CS for 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; 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.

By the Committees on Governmental Oversight and Productivity; Education; and Senator Lawson—

CS for CS for SB 1968—A bill to be entitled An act relating to building designations; designating the Kleist Health Education Center and the Herbert J. and Margaret S. Sugden Hall at the Florida Gulf Coast University; designating the James and Annie Ying Academic Center and the Anthony and Sonja Nicholson Field House at the University of Central Florida; designating the Sybil C. Mobley Business Building, the Margaret W. Lewis/Jacqueline B. Beck Allied Health Building, the Walter L. Smith Architecture Building, and the Carrie Meek/James N. Eaton, Sr. Southeast Regional Black Archives Research Center and Museum at the Florida Agricultural and Mechanical University; designating the Powell Family Structures and Materials Laboratory, the Farrison Hall, and the Steinbrenner Band Hall at the University of Florida; designating the James E. "Jim" and Linda King, Jr. Student Union Building at the University of North Florida; designating the John M. McKay Visitors Pavilion at the John and Mabel Ringling Museum of Art at the Florida State University Center for Cultural Arts; designating Reubin O'D. Askew Student Life Center, the Sherrill Williams Ragans Hall, the John Thrasher Building, the Mike Martin Field at Dick Houser Stadium, and the JoAnne Graf Softball Field at Florida State University; designating the Herbert F. Morgan Building at the Florida Agricultural and Mechanical University-Florida State University College of Engineering; authorizing the universities to erect markers; designating the Norman C. Hayslip Biological Control Research and Containment Laboratory at the University of Florida/IFAS in Ft. Pierce; designating the H. William Heller Hall at the University of South Florida St. Petersburg; designating the John S. Curran, M.D., Children's Health Center at the University of South Florida; directing the university to erect suitable markers; designating the Patricia and Phillip Frost Art Museum at the Florida International University, University Park Campus Miami; directing the university to erect markers; providing effective dates.

By the Committee on Judiciary; and Senators Posey and Clary—

CS for SB 2002—A bill to be entitled An act relating to sovereign immunity; amending s. 768.28, F.S.; providing that a law enforcement agency is not liable for injury, death, or property damage effected or caused by a person fleeing a law enforcement officer under certain circumstances; providing for severability; providing for application; providing an effective date.

By the Committee on Judiciary; and Senator Aronberg—

CS for SB 2050—A bill to be entitled An act relating to land surveying and mapping; amending s. 472.005, F.S.; defining the term “photogrammetrist”; amending s. 472.007, F.S.; conforming provisions to the definition of photogrammetrist; amending s. 472.013, F.S.; revising requirements to be entitled to take the licensure examination to practice in this state as a surveyor and mapper; amending s. 472.015, F.S.; authorizing certain photogrammetrists to qualify for a license by endorsement; amending s. 472.021, F.S.; revising liability of partnerships and other business entities rendering professional surveying and mapping services; providing an effective date.

By the Committee on Education; and Senator Wise—

CS for SB 2134—A bill to be entitled An act relating to school bus safety; creating the Diana Kautz Student Safety Sponsors Act; creating s. 1006.273, F.S.; providing for district school boards to adopt policies for private sponsorship of described seat belt assemblies on school buses; providing for a sponsorship fee; providing for use of moneys collected; providing for signage on the exterior of the school bus acknowledging sponsorship; providing for design and size of the signage by local school board policy; limiting liability of sponsors; amending s. 1006.25, F.S.; requiring sponsor signs to be covered when school buses are transporting passengers who are not school students; revising requirement that students use crash protection system on school bus; amending s. 1006.261, F.S.; requiring sponsor signs to be covered when school buses are used for nonschool purposes; providing an effective date.

By the Committee on Education; and Senator Baker—

CS for SB 2138—A bill to be entitled An act relating to career education; creating s. 1003.416, F.S.; providing for the Department of Education to review the Sunshine State Standards for high school; providing purposes; requiring the Commissioner of Education to make recommendations to the State Board of Education; providing for rulemaking; providing duties of the department relating to teacher preparation for the purpose of ensuring instructional relevance; defining the term “career and professional academy”; describing the curriculum and providing criteria for implementation and student participation; amending ss. 1006.02 and 1006.025, F.S.; requiring each public school’s guidance report to document that students have used certain career planning tools; requiring the department to conduct and complete an articulation audit for postsecondary vocational education by a specified deadline; providing requirements for the audit; requiring the Department of Education to determine if courses or programs in career education of the career and professional academies should be weighted; requiring recommendations to the Governor and the Legislature; requiring the Council for Education Policy Research and Improvement to study how career and professional academies are implemented; requiring that a report and recommendations be submitted to the Governor and the Legislature; providing an effective date.

By the Committees on Transportation and Economic Development Appropriations; Governmental Oversight and Productivity; and Senators Posey and Baker—

CS for CS for SB 2176—A bill to be entitled An act relating to elections; amending s. 97.012, F.S.; revising the duties of the Secretary of State and the Department of State relating to election laws; providing for rulemaking; authorizing the Secretary of State to delegate voter registration and records maintenance duties to voter registration officials; providing that the secretary has a duty to bring legal action to enforce the performance of county supervisors of elections or other officials performing duties relating to the Election Code; providing a prerequisite to bringing such an action; providing venue; requiring that courts give priority to such an action; providing penalties; providing for the adoption of rules; amending s. 97.021, F.S.; revising and providing definitions; amending s. 97.026, F.S.; correcting a cross-reference; amending s. 97.051, F.S.; revising the oath taken by a person registering to vote; amending s. 97.052, F.S.; requiring that the uniform statewide voter registration application be accepted for replacement of a voter information card and signature update; revising the information the uniform

statewide voter registration application must contain and must elicit from the applicant; amending s. 97.053, F.S.; revising the criteria for completeness of a voter registration application; specifying the possible valid recipients of a mailed voter registration application; revising the information needed on a voter registration application to establish an applicant’s eligibility; providing for verification of authenticity of certain voter registration application information; providing for a provisional ballot to be provided to an applicant if the application is not verified by a certain date; requiring a voter registration official to enter all voter registration applications into the voter registration system within a certain time period and forward such applications to the supervisor of elections; amending s. 97.0535, F.S.; providing for applicants who have no valid Florida driver’s license, identification card, or social security number; amending s. 97.055, F.S.; specifying the information updates permitted for purposes of an upcoming election once registration books are closed; amending s. 97.057, F.S.; revising the voter registration procedure by the Department of Highway Safety and Motor Vehicles; amending s. 97.058, F.S.; revising duties of voter registration agencies; amending s. 97.061, F.S.; revising special registration procedures for electors requiring assistance; amending s. 97.071, F.S.; redesignating the registration identification card as the voter information card; revising the required contents of the card; amending s. 97.073, F.S.; revising the procedure by which an applicant must supply missing information on the voter registration application; revising provisions relating to cancellation of previous registration; amending s. 97.1031, F.S.; revising provisions relating to notice of change of residence, name, or party affiliation; amending s. 97.105, F.S., relating to establishment of the permanent single registration system, to conform; amending s. 98.015, F.S.; revising the duties of supervisors of elections; creating s. 98.035, F.S.; establishing a statewide voter registration system; requiring the Secretary of State to be responsible for the implementation, operation, and maintenance of the system; prohibiting the department from contracting with any other entity to operate the system; authorizing the department to adopt rules relating to the access, use, and operation of the system; amending s. 98.045, F.S.; revising provisions relating to administration of voter registration; providing for the responsibility of such administration to be undertaken by the department in lieu of supervisors of elections; specifying ineligibility criteria; revising provisions relating to removal of registered voters; revising provisions relating to public records access and retention; providing for the establishment of a statewide electronic database of valid residential street addresses; authorizing the department to adopt rules relating to certain voter registration system forms; amending s. 98.065, F.S.; revising provisions relating to registration records maintenance; providing for change of address; providing limitations on notice and renewal; requiring supervisors of elections to certify to the department certain list maintenance activities; providing penalties; amending s. 98.075, F.S.; providing for registration records maintenance by the department; providing procedures in cases involving duplicate registration, deceased persons, adjudication of mental incapacity, felony conviction, and other bases for ineligibility; providing procedures for removal; requiring supervisors of elections to certify to the department certain registration records maintenance activities; creating s. 98.0755, F.S.; providing for appeal of a determination of ineligibility; providing for jurisdiction, burden of proof, and trial costs; amending s. 98.077, F.S.; revising provisions relating to updating a voter’s signature; amending s. 98.081, F.S., relating to removal of names from the statewide voter registration system, to conform; amending s. 98.093, F.S.; revising the duty of officials to furnish lists of deceased persons, persons adjudicated mentally incapacitated, and persons convicted of a felony; creating s. 98.0981, F.S.; requiring the department to furnish certain voter information to the Legislature; amending s. 98.212, F.S., relating to furnishing of statistical and other information, to conform; amending s. 98.461, F.S.; authorizing use of an electronic database as a precinct register and use of an electronic device for voter signatures and witness initials; amending s. 101.001, F.S.; revising requirements of supervisors relating to precincts and precinct boundaries; providing exceptions; amending s. 100.371, F.S.; revising the procedure by which constitutional amendments proposed by initiative shall be placed on the ballot; amending s. 101.043, F.S.; revising requirements and procedures relating to identification required at polls; amending s. 101.045, F.S., relating to provisions for residence or name change at the polls, to conform; amending s. 101.048, F.S., relating to provisional ballots, to conform; amending s. 101.161, F.S.; conforming a cross-reference; amending s. 101.56062, F.S., relating to standards for accessible voting systems, to conform; amending s. 101.5608, F.S.; revising a provision relating to an elector’s signature provided with identification prior to voting; creating s. 101.573, F.S.; requiring supervisors of elections to file precinct-level election results; requiring the Department of State to adopt rules;

amending s. 101.62, F.S.; conforming a cross-reference; amending ss. 101.64 and 101.657, F.S.; requiring that the supervisor of elections indicate on each absentee or early voted ballot the precinct of the voter; amending s. 101.663, F.S., relating to change or residence, to conform; amending s. 101.6921, F.S., relating to delivery of special absentee ballots to certain first-time voters, to conform; amending s. 101.6923, F.S., relating to special absentee ballot instructions for certain first-time voters, to conform; amending s. 102.012, F.S., relating to conduct of elections by inspectors and clerks, to conform; amending s. 104.013, F.S., relating to unauthorized use, possession, or destruction of voter information cards, to conform; amending s. 106.08, F.S.; providing for contribution limits to statewide candidates; amending s. 106.34, F.S.; revising the method of calculating a candidate's expenditures if such candidate is requesting contributions from the Election Campaign Financing Trust Fund; amending s. 196.141, F.S., relating to homestead exemptions and duties of property appraisers, to conform; amending s. 120.54, F.S.; including certain rules pertaining to the Florida Election Code within the definition of emergency rules governing public health, safety, or welfare during specified times; amending s. 99.061, F.S.; providing the method of qualifying for nomination or election to the office of the state attorney or public defender; repealing s. 98.055, F.S., relating to registration list maintenance forms; repealing s. 98.095, F.S., relating to county registers open to inspection and copies; repealing s. 98.0977, F.S., relating to the statewide voter registration database and its operation and maintenance; repealing s. 98.0979, F.S., relating to inspection of the statewide voter registration; repealing s. 98.101, F.S., relating to specifications for permanent registration binders, files, and forms; repealing s. 98.181, F.S., relating to duty of the supervisor of elections to make up indexes or records; repealing s. 98.231, F.S., relating to duty of the supervisor of elections to furnish the department the number of registered electors; repealing s. 98.451, F.S., relating to automation in processing registration data; repealing s. 98.481, F.S., relating to challenges to electors; repealing s. 101.635, F.S., relating to distribution of blocks of printed ballots; amending s. 106.33, F.S.; increasing certain campaign contribution limits; providing effective dates.

By the Committees on Education Appropriations; Education; and Senators Constantine and Campbell—

CS for CS for SB 2236—A bill to be entitled An act relating to tuition rates at state colleges and universities; amending s. 1009.24, F.S.; providing that the Legislature has the responsibility to establish tuition and fees; providing that tuition and fees for certain state university resident students are established within the General Appropriations Act or law; requiring each board of trustees to set university tuition and fees under certain circumstances; providing that such tuition and fees may not exceed tuition and fees for corresponding programs at certain public institutions; requiring each university to allocate a certain percentage amount raised by tuition increases to financial aid for students; providing that tuition and fees for certain students are not subject to a cap; creating s. 1009.286, F.S.; requiring students to pay 75 percent of the actual cost per credit hour for credit hours in excess of a specified number for community-college credits and for overall credits applied to a baccalaureate degree; excluding certain credit hours from calculation as hours required to earn a baccalaureate degree; providing for notification of students by a postsecondary institution; providing applicability; providing an effective date.

By the Committees on Education Appropriations; Education; and Senators King, Pruitt, Diaz de la Portilla and Bullard—

CS for CS for SB 2254—A bill to be entitled An act relating to community colleges; amending s. 1001.64, F.S.; providing that community colleges that grant baccalaureate degrees pursuant to s. 1007.33, F.S., remain under the authority of the State Board of Education with respect to specified responsibilities; providing that, subject to specified conditions, the board of trustees of such a community college is the governing board for purposes of granting baccalaureate degrees; providing powers of the boards of trustees, including the power to establish tuition and out-of-state fees; providing restrictions; requiring such boards to adopt a policy requiring teachers who teach certain upper-division courses to teach a specified minimum number of hours; amending s. 1004.65, F.S.; requiring community colleges that offer baccalaureate degrees to maintain their primary purpose and not terminate asso-

ciate in arts programs because they offer baccalaureate degrees; amending s. 1007.33, F.S.; removing a requirement for review and comment by the Council for Education Policy Research and Improvement of a proposal to deliver baccalaureate degree programs; providing for the State Board of Education to adopt rules with respect to the articulation of specified associate degrees with specified bachelor's degrees; providing requirements for such rules; requiring that a formal agreement for the delivery of specified baccalaureate degree programs by a regionally accredited college or university at a community college site include certain provisions; requiring that the curriculum for the degree be developed and approved within a specified time; requiring that the degree program be implemented within a specified time; requiring that a proposal to deliver such a degree document that the community college has notified the accredited colleges and universities in the district of its intent to seek approval for delivery of the degree; allowing the colleges and universities to propose an alternative plan for providing the degree; amending s. 1009.23, F.S.; providing guidelines and restrictions for setting tuition and out-of-state fees for upper-division courses; requiring the State Board of Education, annually by a specified date, to adopt a resident fee schedule for baccalaureate degree programs offered by community colleges; amending s. 1011.83, F.S.; providing requirements for funding nonrecurring and recurring costs associated with such programs; limiting per-student funding to a specified percentage of costs associated with baccalaureate degree programs offered in state universities; requiring community colleges to maintain a distinction in reporting and funding between baccalaureate degree programs approved under s. 1007.33, F.S., and those offered under concurrent-use partnerships; amending s. 1013.60, F.S.; allowing community college boards of trustees to request funding for all authorized programs; requiring that enrollment in baccalaureate degree programs be computed into the survey of need for facilities; approving a transfer of an endowment from the Appleton Cultural Center, Inc., to the Central Florida Community College Foundation; providing restrictions on the management of the endowment; releasing the foundation from certain trust agreement and statutory requirements; providing an effective date.

By the Committees on Education Appropriations; Education; and Senator Atwater—

CS for CS for SB 2264—A bill to be entitled An act relating to the payment of instructional costs for students; amending s. 1009.21, F.S.; defining the term "initial enrollment" for purposes of determining a postsecondary student's residential status for tuition purposes; providing duties of institutions of higher education; providing conditions under which a nonresident may be reclassified as a resident of this state; requiring that specified evidence of the legal residence and dependent status of an individual be provided as a prerequisite to classification as a resident for tuition purposes; amending s. 1009.24, F.S.; providing that the Legislature has the responsibility to establish tuition and fees; providing that tuition and fees for certain state university resident students are established within the General Appropriations Act or law; requiring each board of trustees to set university tuition and fees under certain circumstances; providing that such tuition and fees may not exceed tuition and fees for corresponding programs at certain public institutions; requiring each university to allocate a certain percentage amount raised by tuition increases to financial aid for students; providing that tuition and fees for certain students are not subject to a cap; amending s. 1009.40, F.S.; providing that certain students are ineligible to receive more than one state-funded tuition assistance grant; providing an effective date.

By the Committee on Health Care; and Senator Peadar—

CS for SB 2372—A bill to be entitled An act relating to clinical perfusionists; creating ss. 458.3476 and 459.025, F.S.; providing definitions; requiring a supervising physician to be qualified in the medical area in which the clinical perfusionist performs; prescribing duties of a clinical perfusionist; requiring a clinical perfusionist to convey that he or she is a clinical perfusionist to a patient; authorizing a clinical perfusionist to perform medical tasks and services within a certain protocol; prohibiting a clinical perfusionist from prescribing, ordering, compounding, or dispensing certain drugs or a medical device; providing that a clinical perfusionist may administer certain drugs, fluids, and blood products under the supervision of a physician; exempting a trainee from

requirements of a clinical perfusionist; requiring board approval of training programs for clinical perfusionists; providing licensure requirements; providing provisional licensing requirements; providing for a temporary license as a clinical perfusionist; authorizing the Board of Medicine and the Board of Osteopathic Medicine to impose a penalty against a clinical perfusionist found guilty of or investigated for violating ch. 456, ch. 458, or ch. 459, F.S.; authorizing the chair of each board to appoint certain persons to advise the board regarding rules for the licensure of clinical perfusionists; providing duties of each board; providing a penalty for any person who falsely holds himself or herself out as a clinical perfusionist; providing for the denial, suspension, or revocation of a license; requiring each board to adopt rules; requiring the Department of Health to allocate fees collected to each board; providing exemptions from clinical perfusionist licensure requirements; excluding hospitals from payment of certain costs; amending s. 456.048, F.S.; specifying financial responsibility requirements for clinical perfusionists; providing an effective date.

By the Committees on Government Efficiency Appropriations; Transportation; and Senator Sebesta—

CS for CS for SB 2434—A bill to be entitled An act relating to driver responsibility; creating s. 322.75, F.S.; creating the “Florida Driver Responsibility Law”; creating s. 322.7513, F.S.; directing the department to assess specified annual surcharges against motor vehicle licensees who have a final conviction within the previous 36 months for driving without required insurance or security; creating s. 322.7515, F.S.; directing the department to assess specified annual surcharges against motor vehicle licensees who have a final conviction within the previous 36 months for a DUI offense; creating s. 322.7525, F.S.; requiring the department to notify licensees of the surcharges and the time period in which to pay the surcharges; providing for suspension of license for failure to pay; creating s. 322.753, F.S.; requiring the department to accept installment payments for the surcharges; providing sanctions for a licensee’s failure to pay an installment; authorizing the department to permit licensees to pay assessed surcharges with credit cards; requiring the department to suspend a driver’s license if the licensee does not pay the surcharge or arrange for installment payments within a specified time after the notice of surcharge is sent; creating s. 322.7535, F.S.; authorizing the department to contract with a public or private vendor to collect specified annual surcharges; creating s. 322.754, F.S.; providing for distribution of surcharges collected by the department; providing an effective date.

By the Committees on Judiciary; Banking and Insurance; and Senator Clary—

CS for CS for SB 2494—A bill to be entitled An act relating to the disposition of unclaimed property; amending s. 717.101, F.S.; providing definitions; amending s. 717.106, F.S., relating to funds in financial organizations; providing for documented telephone contact in certain cases; amending s. 717.1101, F.S.; revising the time in which stock, equity interest, and certain debt of a business association is presumed unclaimed; revising the time period in which such property ceases to be unclaimed; providing the time period in which certain other equity of a business association is presumed unclaimed; amending s. 717.117, F.S., relating to reports of unclaimed property; amending time and notice requirements; providing an additional exception to the reporting of unclaimed property; amending s. 717.118, F.S., relating to notification of apparent owners; providing threshold value for notifications; amending s. 717.119, F.S., relating to payment or delivery of unclaimed property; providing for disposition of funds; amending s. 717.122, F.S., relating to public sale of unclaimed property; providing for disposition; amending s. 717.124, F.S., relating to unclaimed property claims; providing for identification; amending s. 717.12404, F.S., relating to claims on behalf of a business entity or trust; providing for reference to corporate records on the Internet; creating s. 717.12405, F.S.; providing definitions; amending s. 717.1241, F.S., relating to conflicting claims; amending s. 717.1242, F.S., relating to jurisdiction of probate court and department; amending s. 717.1243, F.S., relating to small-estate accounts; providing for live testimony; creating s. 717.1245, F.S.; providing for costs and fees in cases seeking garnishment of certain unclaimed property; repealing s. 717.1311(3), F.S., which provides for reporting requirements and payments in cases where records are not maintained; amending s. 717.1315,

F.S., relating to records retention; amending s. 717.132, F.S., relating to enforcement; amending s. 717.1322, F.S., relating to administrative and civil enforcement; providing for registration; providing times for revocation and suspension of registration; creating s. 717.1323, F.S.; prohibiting entry of false information; amending s. 717.1331, F.S., relating to actions against holders; providing for enforcement of subpoena; amending s. 717.1333, F.S., relating to evidence and reports; providing for estimation of amount due in certain cases; amending s. 717.135, F.S., relating to powers of attorney and agreements; specifying certain disclosure requirements and forms; amending s. 717.1351, F.S., relating to purchase agreements; specifying form; creating s. 717.1381, F.S.; declaring state policy to protect interests of owners of unclaimed property; providing that certain powers of attorney and purchase agreements are void; providing for retroactive application; amending s. 717.1400, F.S., relating to registration; providing for maintenance of licensing and other requirements as a condition of registration; providing an effective date.

By the Committees on Judiciary; Banking and Insurance; and Senator Campbell—

CS for CS for SB 2498—A bill to be entitled An act relating to warranty associations; amending s. 634.271, F.S.; providing an exemption from penalty provisions for certain service warranties; providing actual damages and costs for violations for which statutory penalties do not apply; providing retroactive applicability; amending s. 634.401, F.S.; redefining the term “service warranty”; providing an effective date.

By the Committees on Justice Appropriations; Judiciary; and Senators Smith and Fasano—

CS for CS for SB 2542—A bill to be entitled An act relating to the state judicial system; amending s. 27.40, F.S., relating to circuit registries for court-appointed counsel; requiring that an attorney enter into a contract to be included on the registry; limiting the appointment of attorneys from the same law firm; prohibiting the sharing of duties among attorneys except under certain circumstances; requiring data on the race, sex, and ethnicity of attorneys; requiring the Justice Administrative Commission to approve uniform procedures and forms for use in billing for an attorney’s fees, costs, and related expenses; requiring that a withdrawal order be filed with the commission; providing that withdrawal from a case creates a rebuttable presumption of nonentitlement to the entire flat fee; amending s. 27.42, F.S.; requiring that the circuit Article V indigent services committee establish the compensation rates for court-appointed counsel or in cases of indigency; providing a limitation on the rates; requiring each committee to establish a schedule of allowances for due-process expenses; authorizing alternate models for providing criminal and civil due-process representation; requiring that the expenses for representing indigent persons be appropriated in a separate category within the Justice Administrative Commission rather than paid from funds appropriated for use by the public defenders; requiring the commission to track and report data on the race, sex, and ethnicity of private court-appointed counsel; amending s. 27.52, F.S., relating to the determination of indigent status; providing for application to the clerk of court for such a determination and appointment of a public defender; prescribing duties of the clerk and the public defender relating to an application; prescribing application requirements and review criteria; providing for review by the court of a clerk’s determination; authorizing the court to determine a person indigent for costs and eligible for payment of due-process expenses; requiring certain parents or legal guardians to furnish legal services and costs; providing for a reevaluation of indigent status and referral to the state attorney upon evidence of financial discrepancies or fraud; providing criminal penalties for the provision of false information; amending s. 27.5304, F.S.; providing that court-appointed counsel use uniform contract, procedures, and forms in certain circumstances; authorizing the Justice Administrative Commission to pay attorney’s fees without court approval under certain conditions; requiring the attorney to provide the commission with advance notice of a court hearing on payment of fees and costs; authorizing the commission to participate in such hearings telephonically; eliminating a requirement for the Article V Indigent Services Advisory Board to make recommendations on compensation of private court-appointed counsel; providing that private court-appointed counsel is entitled to compensation upon final disposition of the case; providing exceptions;

specifying intervals other than final disposition of a case at which private court-appointed counsel may request payment; clarifying a prohibition against allowing an attorney who is not on the registry to appear; limiting the reimbursement allowed for the preparation of invoices; amending s. 27.54, F.S.; requiring that the county or municipality pay certain costs for due-process services; prescribing assessment of fees to recover such costs; amending s. 28.24, F.S.; requiring that the clerk of the court provide copies to public guardians, attorneys ad litem, and court-appointed counsel paid by the state; requiring clerks of the court to participate in the Comprehensive Case Information System by a certain date; designating the custodian of official records; providing that official records are county property; amending s. 28.2402, F.S.; prohibiting the circuit court from charging a county or municipality more than one filing fee for a single filing containing multiple allegations; exempting certain enforcement actions from the filing fee; amending s. 28.241, F.S.; providing for the clerk of the court to collect a service fee for appeals from circuit court; amending s. 28.245, F.S.; requiring that the clerks of the court remit collections to the Department of Revenue within a specified period; amending s. 28.246, F.S.; conforming a reference; revising provisions authorizing an individual to enter into a payment plan for the payment of fees, costs, or fines; providing for the court to review the payment plan; amending s. 28.345, F.S.; exempting certain court staff, public guardians, attorneys ad litem, and court-appointed counsel from the payment of fees and charges assessed by the clerk of the circuit court; amending s. 28.35, F.S.; requiring the Florida Clerks of Court Operations Committee to report on additional budget funding authority provided to a clerk; amending s. 28.36, F.S.; revising the date for the county clerk to submit a proposed budget; conforming a reference to the Florida Clerks of Court Operations Corporation; conforming a reference to the Chief Financial Officer; conforming a cross-reference; providing for identification of ineligible expenditures by the clerks of court; requiring the clerks to reimburse ineligible expenditures to the Clerks of Court Trust Fund; authorizing the corporation to approve additional annual funding for a clerk under prescribed conditions; amending s. 28.37, F.S.; expanding the types of excess funds that clerks of the court must remit to the Department of Revenue over the amount needed to meet approved budgets; creating s. 28.44, F.S.; providing a method by which the clerk of court may discontinue or substantially modify court-related functions; providing a definition; amending s. 29.004, F.S.; providing for state appropriations to be used for expert witnesses who are appointed by the court rather than requested by any party; amending s. 29.007, F.S.; providing for state funds to be used in providing mental health professionals in certain civil cases; clarifying the use of state funds at the trial or appellate level to pay certain costs on behalf of a litigant who is indigent; amending s. 29.008, F.S.; requiring that the county where the appellate district is located fund the appellate division of the public defender's office; expanding the definition of the term "facility" to include items necessary for court-reporting services; narrowing a limitation on the application of certain requirements to specified facilities; including hearing rooms within those facilities funded by the county as a court-related function; including audio equipment within county-funded communications services; creating s. 29.0081, F.S.; authorizing counties and judicial circuits to agree to the funding of personnel positions for the circuit; providing requirements for such agreements; providing for the effect and limitation of such agreements; amending s. 29.015, F.S.; authorizing the Justice Administrative Commission to transfer funds to address budget deficits relating to due-process services; requiring notice of the transfer; amending s. 29.018, F.S.; eliminating the authority for court-appointed counsel to contract to share in court and due-process costs; providing that the Justice Administrative Commission may contract for such cost-sharing on behalf of court-appointed counsel; creating s. 29.0185, F.S.; specifying conditions under which state-funded due-process services are provided; amending s. 34.045, F.S.; prohibiting the county court from charging a county or municipality more than one filing fee for a single filing containing multiple allegations; exempting certain enforcement actions of local code violations from the filing fee; expanding conditions under which the county or municipality is the prevailing party; requiring an assessment for a filing fee; amending s. 34.191, F.S.; providing that for certain purposes, a municipality does not include certain unincorporated areas; clarifying a requirement that certain fines and forfeitures committed within an unincorporated area of a municipality be paid to the clerk of the county court; amending s. 39.0132, F.S.; authorizing the Justice Administrative Commission to inspect certain court dockets; amending s. 39.821, F.S.; requiring that the Guardian Ad Litem Program rather than the chief judge request the federal criminal records check for purposes of certifying guardians ad litem; amending s. 39.822, F.S.; directing agencies, persons, and other organizations to provide a guardian ad litem access

to certain records related to the best interests of a child; amending s. 40.29, F.S.; clarifying procedures for the payments made by the state to the clerk of the court for the costs of witnesses; creating s. 40.355, F.S.; requiring the clerk of the court to report on, and refund to the state attorneys and public defenders, certain moneys collected for payment of jurors and due-process costs; amending s. 43.16, F.S.; providing that the Justice Administrative Commission is not subject to the Administrative Procedure Act; amending s. 43.26, F.S.; prescribing responsibilities of the chief judge and the clerk of court relating to the administration of justice and provision of court-related functions; amending s. 44.102, F.S.; revising conditions under which nonvolunteer court mediators may be compensated by the county or parties; amending s. 44.108, F.S.; clarifying the fees charged for scheduled mediation services provided by a circuit court's mediation program; requiring the clerk of the court to report to the chief judge the amount of such fees collected; amending s. 57.081, F.S.; adding a cross-reference to conform; creating s. 57.082, F.S., relating to the determination of civil indigent status; providing for application to the clerk of court for such a determination; prescribing duties of the clerk relating to an application; prescribing application requirements and review criteria; providing for an interim determination by the court and appointment of counsel; providing for review by the court of the clerk's determination; providing for enrollment in a payment plan by a person determined indigent; providing for the waiver of fees and costs under certain conditions; providing for reevaluation of indigent status and referral to the state attorney upon evidence of financial discrepancies or fraud; providing criminal penalties for providing false information; amending s. 92.142, F.S.; deleting a provision that provides for payment of per diem and travel expenses for a witness in a criminal case at the discretion of the court; amending s. 92.231, F.S.; removing references to the Article V Indigent Services Advisory Board and the provision of recommendations on expert witness fees; amending s. 110.205, F.S.; providing that officers and employees of the Justice Administrative Commission and specified related organizations are not career service positions; amending s. 116.01, F.S.; providing procedures for the clerk of the court to remit funds to the Department of Revenue; amending s. 116.21, F.S.; providing for the disposition of unclaimed moneys collected in the course of court-related activities by the clerk of the court; requiring the clerk to pay certain publication costs; amending s. 119.07, F.S.; extending the time period during which certain social security numbers and other data included in court or official county records may be available for public inspection unless redaction is requested; extending the deadline by which court clerks and county recorders must keep such data confidential; amending s. 142.01, F.S.; clarifying those moneys to be included within the fine and forfeiture fund of the clerk of the circuit court; amending s. 213.13, F.S.; requiring that the funds remitted by the clerk to the state be transmitted electronically within a specified period; amending s. 219.07, F.S.; clarifying the distributions that the clerk is required to make as part of his or her court-related functions; amending s. 219.075, F.S.; exempting funds collected by the clerk from the requirements for the investment of surplus funds of a county; amending s. 318.121, F.S.; clarifying that certain court costs and surcharges are added to civil traffic penalties; amending s. 318.18, F.S.; requiring that the clerk of the court report the amount of certain surcharges collected to the chief judge, the Governor, and the legislature; authorizing local governments to assess a surcharge on noncriminal offenses; amending s. 318.21, F.S.; providing for the disposition of traffic-infraction penalties for violations occurring in unincorporated areas of certain municipalities having a consolidated government; amending s. 318.31, F.S.; deleting provisions concerning the appointment of a civil traffic infraction hearing officer; amending s. 318.325, F.S.; deleting provisions specifying the funding of such hearing officer; amending s. 322.29, F.S.; increasing the fees charged for reinstating a driver's license; amending s. 372.72, F.S.; requiring that the proceeds from unclaimed bonds be deposited into the clerk's fine and forfeiture fund; amending s. 903.26, F.S.; revising the procedure for determining the amount of the costs incurred in returning a defendant to the county of jurisdiction; amending s. 903.28, F.S.; revising certain notice requirements following the surrender or apprehension of a defendant for purposes of remission of a forfeiture; authorizing the clerk of the circuit court to enter into certain contracts for purposes of representation in an action for the remission of a forfeiture; providing that the clerk is the real party in interest for all appeals arising from such an action; amending s. 916.115, F.S.; providing requirements for the payment of experts; specifying those fees which are paid by the state, the office of the public defender, the office of the state attorney, or the Justice Administrative Commission; amending s. 916.12, F.S.; revising the procedures under which the court may take action following a finding that the defendant is incompetent to proceed; amending s. 916.301, F.S.; requiring the court

to pay for certain court-appointed retardation and autism experts; amending s. 939.185, F.S.; authorizing certain local governments to assess a surcharge on criminal offenses; amending s. 938.29, F.S.; providing for a judgment lien for the payment of certain attorney's fees to be filed without cost; amending s. 939.06, F.S.; clarifying that an acquitted defendant is not liable for certain fees; providing a procedure for such a defendant to request a refund from the Justice Administrative Commission of costs or fees paid; amending s. 985.05, F.S.; authorizing the Justice Administrative Commission to have access to certain court records; amending s. 985.201, F.S.; revising the manner in which a court may retain jurisdiction over a child and the child's parent when the court has ordered restitution for certain delinquent acts; requiring entry of a restitution order; creating s. 92.152, F.S.; requiring that the party calling a witness in traffic court bear the costs; requiring that the office of the state attorney pay such costs if the witness is required to testify on behalf of the prosecution; directing the trial court administrator to recover expenditures for state-funded services if those services were furnished to a user possessing the ability to pay; providing that the rate may not exceed the cost of the service and recovery; revising the maximum annual budget amount for the Clerk of Court for the Eleventh Judicial Circuit; providing legislative intent for revisions to ss. 34.191 and 318.21, F.S.; repealing s. 29.005(4), F.S., relating to prosecution expenses for appointing mental health professionals; repealing s. 29.014, F.S., relating to the Article V Indigent Services Advisory Board; repealing s. 318.37, F.S., relating to funding for a Civil Traffic Infraction Hearing Officer Program; providing appropriations; providing effective dates.

By the Committee on Judiciary; and Senator Fasano—

CS for SB 2624—A bill to be entitled An act relating to the Department of Law Enforcement; amending s. 790.065, F.S.; requiring the department to review other records in addition to criminal history records to evaluate a potential buyer or transferee of a firearm, including an adjudication of mental defectiveness or a commitment to a mental institution as criteria that prohibit a person from purchasing a firearm; providing definitions; requiring the department to maintain an automated database of persons who are prohibited from purchasing a firearm; requiring each clerk of court to submit certain court records to the department within a certain period; requiring the department to delete certain records from the automated database upon the request of an individual meeting specified conditions; authorizing the department to disclose collected data to other federal or state agencies with regard to the sale or transfer of a firearm; authorizing the department to disclose certain information to the Department of Agriculture and Consumer Services for determining the eligibility of an applicant for a concealed weapons or concealed firearms license; requiring the clerk of court or mental hospital to provide additional information upon request following an appeal of an unapproved sale or transfer of a firearm; amending s. 914.25, F.S.; providing for recertification for protective services for an additional period, with reimbursement for expenses from the Victim and Witness Protection Review Committee; providing for unlimited protective services for a victim or witness without reimbursement; amending s. 937.021, F.S.; providing immunity to the department, other law enforcement agencies, and media representatives from civil liability for complying in good faith with a request to record or report information of an Amber Alert or Missing Child Alert; providing that a technical or clerical error or incorrect or incomplete information does not overcome the presumption of good faith in reporting information about an Amber Alert or Missing Child Alert; providing that it is a discretionary decision of the law enforcement agency or its employees to report, record, or display Amber Alert or Missing Child Alert information; amending s. 938.07, F.S.; requiring that a portion of certain court costs imposed for a conviction of driving or boating under the influence be deposited into the department's Operating Trust Fund instead of the Criminal Justice Standards and Training Trust Fund; amending s. 938.27, F.S.; requiring that investigative costs recovered on behalf of the department be deposited into the Forfeiture and Investigative Trust Fund of the department; amending s. 943.05, F.S.; authorizing the department to retain fingerprints in certain circumstances and use retained fingerprints for certain purposes; amending s. 943.052, F.S.; requiring that disposition reports for dispositions relating to minor offenders are mandatory after a specified date; amending s. 68.07, F.S.; requiring a set of fingerprints as part of a name change petition; amending s. 943.053, F.S.; requiring the department to make certain information available to judges; limiting use of information; authorizing a criminal justice agency to obtain a

criminal history background check of a noncertified agency employee by submitting fingerprints to the department; requiring the department to adopt rules setting a fee for conducting the criminal history background search and establishing procedures; requiring that criminal history check be provided by the department in certain circumstances; amending s. 943.0585, F.S.; prohibiting a court from expunging a criminal history record containing certain sexual offenses or certain offenses that require registration as a sexual offender; requiring a valid certificate of eligibility for expunction in a petition to expunge a criminal history record; specifying the time during which a certificate of eligibility for expunction is valid; requiring that a trial must not have occurred in order for a person to obtain a statement from the state attorney authorizing the expunction of a criminal record; authorizing a person who has secured a prior sealing or expunction of a criminal history record to seek a certificate of eligibility for expunction if the criminal history record was previously sealed for a specified time and is otherwise eligible for expunction; providing that a person who is seeking authorization for employment or access to a seaport may not deny or fail to acknowledge an arrest covered by an expunged record; providing that the department may acknowledge an expunged criminal history record under certain circumstances; amending s. 943.059, F.S.; enumerating certain sexual offenses and offenses that require registration as a sexual offender which may not be sealed; requiring a valid certificate of eligibility for sealing in a petition to seal a criminal history record; specifying the period during which a certificate of eligibility for sealing is valid; providing that the information contained in a sealed criminal record is available to a criminal justice agency for the purpose of conducting a criminal history background check for approval of a firearms purchase or transfer; prohibiting a person from denying arrests covered by his or her sealed criminal record when attempting to purchase a firearm; providing that a person who is seeking authorization for employment or access to a seaport may not deny or fail to acknowledge an arrest covered by sealed record; providing that the department may acknowledge a sealed criminal history record under certain circumstances; amending s. 943.13, F.S.; requiring the department to enter the fingerprints of law enforcement or correctional officers into a statewide automated fingerprint identification system; requiring the department to search each arrest fingerprint card received against fingerprints retained in the statewide automated fingerprint identification system; providing for re-fingerprinting by a certain date; amending ss. 943.1715 and 943.1716, F.S.; deleting the minimum number of hours required for basic skills training and continued employment training relating to diverse populations for law enforcement officers; repealing s. 943.2569, F.S., relating to an annual financial audit of criminal justice selection centers; amending s. 943.257, F.S.; authorizing the Criminal Justice Standards and Training Commission and the advisory board of a criminal justice selection center to inspect and copy any documents from a center in order to carry out oversight responsibilities, including documents pertaining to any internal or independent audits; amending s. 943.401, F.S.; requiring the department to investigate all public assistance that is provided by the state; requiring public assistance recipients to consent in writing to an investigation into their employment and financial histories by the Agency for Workforce Innovation; requiring the department to report the results of the investigations to the Agency for Workforce Innovation; authorizing the department to purchase goodwill and promotional materials; limiting the annual amount of such expenditures; prohibiting the unauthorized use of the department's emblems and names; providing a penalty; providing an effective date.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed HB 307, HB 959; has passed as amended HB 193, HB 285, HB 395, HB 529, HB 691, HB 869, HB 1069, HB 1081, HB 1189, HB 1257, HB 1459, HB 1471, HB 1567, HB 1693, HB 1725; has passed by the required constitutional two-thirds vote of the members voting HB 1469; has passed by the required constitutional two-thirds vote of the membership HB 1867; has passed by the required constitutional three-fifths vote of the membership HB 747; has passed as amended by the required constitutional three-fifths vote of the membership HJR 1723, HJR 1727, HJR 1741 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Brown and others—

HB 307—A bill to be entitled An act relating to physical examinations; amending s. 493.6108, F.S.; authorizing physician assistants or advanced registered nurse practitioners to conduct physical examinations of Class “G” permit applicants; amending s. 633.34, F.S.; authorizing physician assistants or advanced registered nurse practitioners to conduct physical examinations of any person applying for employment as a firefighter; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; and Health Care.

By Representative Proctor and others—

HB 959—A bill to be entitled An act relating to motor vehicle registration; amending s. 320.02, F.S.; requiring motor vehicle registration and renewal forms to provide for a voluntary contribution to the Florida National Guard Foundation; providing an effective date.

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

By Representative Hasner and others—

HB 193—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.

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

By Representative Hukill and others—

HB 285—A bill to be entitled An act relating to the right to a speedy trial; creating time limits within which a person charged with a crime must be brought to trial; permitting state attorneys to file a demand for a speedy trial; providing conditions that must be met in order to do so; requiring that the trial judge schedule a calendar call upon the filing of a demand for a speedy trial in order to schedule a trial; prescribing conditions under which the trial court may postpone a trial date; providing an effective date.

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

By Representative Kendrick and others—

HB 395—A bill to be entitled An act relating to recreational licenses and permits; amending s. 372.57, F.S.; providing for a military gold sportsman’s license; providing for an annual fee; providing authorizations allowed under license; providing eligibility requirements; amending ss. 372.5712, 372.5715, and 372.573, F.S.; providing for uses of speci-

fied pro rata portions of revenue generated from the military gold sportsman’s license; amending s. 372.661, F.S.; exempting patrons of licensed hunting preserves from the license and permit requirements of the military gold sportsman’s license while hunting on the licensed preserve property; providing an effective date.

—was referred to the Committees on Environmental Preservation; Government Efficiency Appropriations; and General Government Appropriations.

By Representative Kreegel and others—

HB 529—A bill to be entitled An act relating to funeral and cemetery industry regulation; amending s. 316.1974, F.S.; authorizing the use of purple lights on certain funeral escort vehicles and funeral lead vehicles; amending s. 497.005, F.S.; revising definitions; amending s. 497.101, F.S.; clarifying eligibility for Board of Funeral, Cemetery, and Consumer Services membership; requiring the Department of Financial Services to adopt rules regarding application for board membership; amending s. 497.103, F.S.; revising authority of the department 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 delinquency fees to be charged and collected from certain licensees; providing a default delinquency fee; amending s. 497.141, F.S.; requiring licensure applications to include tax identification numbers of applicants that are not natural persons; authorizing the licensing authority to require certain applicants to provide a photograph; 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 licenses; amending s. 497.142, F.S.; revising fingerprinting requirements; 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; providing for the cost for fingerprinting processing; 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. 497.147, F.S.; revising provisions relating to the licensing authority’s rules regulating prelicensure training and continuing education providers; amending s. 497.149, F.S.; revising terminology; amending s. 497.151, F.S.; revising applicability; specifying what is not deemed to be a complaint; amending s. 497.152, F.S.; revising disciplinary provisions; revising certain grounds for disciplinary action; specifying what is not deemed to be a complaint; authorizing the board to adopt rules providing criteria for identifying minor and nonwillful remittance deficiencies; 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 provisions relating to criminal penalties for violations involving prelicensure examinations, willful obstruction, and trust funds and other specified violations; 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.; stipulating that intentional or gross negligence renders owners, directors, and officers jointly and severally liable for certain trust fund deficiencies; 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 provisions 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 the board to adopt rules prescribing application and renewal fees for inactive status, a delinquency fee, and a fee for reactivation of a license; providing a cap on such fees; providing a limitation on the department’s ability to reactivate a license; 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; authorizing the licensing authority to establish certain rules; amending s. 497.378, F.S.; raising the cap on funeral director and embalmer license renewal fees; amending s. 497.380, F.S.; specifying requirements for funeral establishment licensure applicants; raising the cap on funeral establishment license renewal fees; providing requirements for reporting a change in location of the establishment; 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; deleting a provision exempting centralized embalming facilities from certain funeral establishment requirements; 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 certain alternative evidence of financial responsibility in lieu of net worth regarding preneed licensure applicants; providing preneed license renewal fees for monument establishments; revising grounds for issuance of a preneed branch license; raising the cap on branch license renewal fees; deleting a provision exempting sponsoring preneed licensees from responsibility for certain violations of branch licenses; 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.; revising general provisions applicable to preneed sales agents; revising requirements and application procedures for preneed sales agent licensure; providing requirements for the issuance of a temporary preneed sales agent license; providing requirements for the conversion of temporary preneed sales agent licenses to permanent preneed sales agent licenses; providing requirements for applicants with a criminal or disciplinary record; providing for termination of a permanent preneed sales agent license due to lack of appointments; providing requirements for the appointment of preneed sales agents; providing for administrative matters regarding preneed sales agent licensure; creating s. 497.468, F.S.; providing for disclosure of certain information to the public; requiring the licensing authority to establish rules relating to the manner in which certain written contracts are provided; amending s. 497.550, F.S.; creating two categories of monument establishment licensure and providing certain requirements for such categories; revising application procedures for licensure as a monument establishment; requiring inspection of proposed monument establishment facilities; 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.; requiring the board to set an annual inspection fee for monument establishment licensees; providing a cap for such fee; providing requirements for change of ownership and location of monument establishments; 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.; requiring monument establishments to comply with 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.; raising the cap on direct disposer license renewal fees; amending s. 497.604, F.S.; revising provisions relating to direct disposal establishment licensure and application for such licensure; revising provisions relating to the regulation of direct disposal establishments; amending s. 497.606, F.S.; revising provisions relating to cinerator facility licensure and application for such licensure; revising provisions relating to the regulation of cinerator facilities; amending s. 497.607, F.S.; providing that the anatomical board at the University of Florida Health Science Center is not prohibited from causing the final disposition of unclaimed human remains under certain circumstances; 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.

—was referred to the Committees on Regulated Industries; Banking and Insurance; Criminal Justice; and Justice Appropriations.

By Representative Seiler and others—

HB 691—A bill to be entitled An act relating to military personnel on duty; creating the Citizen Soldier Matching Grant Program within the Agency for Workforce Innovation; providing for matching grants to be awarded to private sector employers that provide wages to employees serving in the United States Armed Forces Reserves or the Florida National Guard while those employees are on federal active duty; providing eligibility requirements for grant recipients; directing the Agency for Workforce Innovation to develop a plan to administer the application and payment procedures for the matching grants; providing for the award of matching grants after approval of the plan; providing an appropriation; providing that professional licenses issued to any member of the Florida National Guard or the United States Armed Forces Reserves shall not expire while the member is serving on federal active duty; providing a 90-day extension period for such licenses after return from federal active duty; providing requirements with respect to such extension; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Community Affairs; and Transportation and Economic Development Appropriations.

By Representative Sobel and others—

HB 869—A bill to be entitled An act relating to Crohn's and Colitis disease research; creating the Crohn's and Colitis Disease Research Act; requiring the Department of Health to conduct an inflammatory bowel disease epidemiology study with the University of Florida College of Public Health and Health Professions; requiring the Agency for Health Care Administration to conduct a chronic disease study on the coverage standards provided by Medicaid for inflammatory bowel disease therapies; providing for membership in a study group; requiring reports to the Governor and Legislature; providing an effective date.

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

By Representative Negron and others—

HB 1069—A bill to be entitled An act relating to the Family Readiness Program; creating s. 250.5206, F.S.; creating the Family Readiness Program within the Department of Military Affairs; providing purpose of the program; providing for program funding and use of program funds; specifying eligible services and eligible program recipients; providing procedure with respect to requests for assistance and award of funds under the program; providing for monthly audit reviews of the program; providing for annual reports; providing rulemaking authority of the Department of Military Affairs; providing an appropriation; providing an effective date.

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

By Representative Berfield and others—

HB 1081—A bill to be entitled An act relating to discount medical plan organizations; amending s. 636.202, F.S.; revising a definition; amending s. 636.204, F.S.; revising provisions relating to licensure requirements to do business as a discount medical plan organization; creating s. 636.205, F.S.; providing requirements for issuance of a license; authorizing the Office of Insurance Regulation to deny a license; amending s. 636.206, F.S.; providing that discount medical plan organizations are not subject to the Florida Insurance Code for purposes of examination and investigation; creating s. 636.207, F.S.; providing for applicability of pt. II of ch. 636, F.S.; amending s. 636.208, F.S.; revising provisions relating to reimbursement of certain charges and fees upon cancellation of membership in the plan; amending s. 636.210, F.S.; revising prohibitions relating to advertising; amending s. 636.212, F.S.; revising provisions relating to disclosures to prospective members; amending s. 636.214, F.S.; revising provisions relating to provider agreements; amending s. 636.216, F.S.; providing conditions for approval of charges

and forms; deleting a provision relating to request for a hearing; amending s. 636.218, F.S.; revising requirements for information to be included in annual reports; creating s. 636.223, F.S.; providing for administrative penalties; amending s. 636.228, F.S.; specifying marketing requirements of discount medical plans; providing limitations; amending s. 636.230, F.S.; specifying fee disclosure requirements for bundling discount medical plans with other products; amending s. 636.236, F.S.; requiring discount medical plan organizations to maintain surety bonds; providing conditions for substituting deposited securities for surety bonds; amending s. 636.238, F.S.; revising penalties; repealing s. 636.242, F.S., relating to civil remedies; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Health Care.

By Representative Jordan and others—

HB 1189—A bill to be entitled An act relating to the education of children of deceased or disabled veterans; amending s. 295.01, F.S.; extending the opportunity to receive postsecondary educational benefits at state expense to the dependent children of certain dead or disabled veterans who were Florida residents when the death or disability occurred; decreasing the minimum required length of the parent's residency; amending s. 295.0185, F.S.; providing educational opportunity at state expense for dependent children of military personnel who die or suffer a specified disability in Operation Iraqi Freedom; amending s. 295.02, F.S.; authorizing the use of funds for educational opportunities for the children of certain deceased and disabled veterans; providing an effective date.

—was referred to the Committees on Community Affairs; Education Appropriations; and Ways and Means.

By Representative Pickens and others—

HB 1257—A bill to be entitled An act relating to fiscally constrained counties; amending s. 212.20, F.S.; providing for a distribution of tax revenue to fiscally constrained counties; amending s. 218.65, F.S.; providing for a transitional emergency distribution from the Local Government Half-cent Sales Tax Clearing Trust Fund to certain fiscally constrained counties; revising criteria for receiving certain funds from the Local Government Half-cent Sales Tax Clearing Trust Fund; creating s. 218.67, F.S.; providing eligibility criteria to qualify as a fiscally constrained county; providing for the distribution of additional funds to certain fiscally constrained counties; providing for a phase-out period; providing for the use of funds; amending s. 288.0656, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to accept and administer moneys appropriated for rural economic development; authorizing the office to contract with Enterprise Florida, Inc.; amending s. 288.1169, F.S.; correcting a cross reference; amending s. 985.2155, F.S.; revising the definition of the term "fiscally constrained county"; providing an appropriation; providing an effective date.

—was referred to the Committees on Community Affairs; and Government Efficiency Appropriations.

By Representative Brown and others—

HB 1459—A bill to be entitled An act relating to liens on commercial real estate; creating part III of ch. 475, F.S., the "Commercial Real Estate Sales Commission Lien Act"; providing definitions; specifying conditions under which a broker is entitled to a lien upon the owner's net proceeds from the disposition of commercial real estate for any commission earned by the broker under a brokerage agreement; providing that the lien cannot be assigned, enforced, or waived by anyone other than the broker; requiring disclosure; providing for the contents of the commission notice and delivery to certain parties; providing a form for the commission notice; providing that a lien may not be enforced if the notice is not delivered to certain parties; providing that the commission notice may be recorded; providing for expiration and extension under certain conditions; providing for release of the commission notice under certain conditions; providing the duties of the closing agent; requiring the closing agent to reserve an owner's proceeds under certain conditions; pro-

viding for the release of proceeds under certain conditions; requiring deduction of certain costs from the proceeds; providing for interpleader or other legal proceedings sought by a closing agent to adjudicate certain rights; providing for the deposit of reserved proceeds in a court registry; providing for the discharge of the closing agent from further liability; providing for a civil action if a dispute arises concerning the proceeds; providing that the prevailing party may recover certain fees and costs incurred in a civil action; establishing the priority of a recorded commission notice; providing for the service of notice; providing that a buyer's broker is not entitled to a lien; providing certain conditions under which a buyer's broker may seek payment of a commission; creating part IV of ch. 475, F.S., the "Commercial Real Estate Leasing Commission Lien Act"; providing definitions; providing conditions under which a broker may place a lien upon an owner's interest in commercial real estate for any commission earned under a brokerage agreement with respect to a lease of commercial real estate; providing that the lien cannot be assigned, enforced, or waived by anyone other than the broker; requiring disclosure; providing for the contents of the lien notice; providing a form for the lien notice; providing that the lien notice may be recorded; providing that a lien may not be enforced if the broker fails to record the notice; providing for effectiveness of a recorded lien notice; providing for release of the lien notice under certain conditions; providing for expiration and extension under certain conditions; providing for foreclosure of a recorded lien under certain conditions; providing a form; providing for a civil action if a dispute arises concerning the proceeds; providing that the prevailing party may recover certain fees and costs incurred in a civil action; providing procedures to transfer a lien to a security; providing that the clerk of court may collect a service charge; providing for subordination of a broker's lien; amending s. 475.42, F.S.; providing that a broker may place a lien when allowed by law; providing an effective date.

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

By Representative Goodlette and others—

HB 1471—A bill to be entitled An act relating to the petition process; providing a popular name; amending s. 99.097, F.S.; providing for certain petitions to be verified by a certain method; requiring certain provisions to be satisfied before a signature on a petition may be counted; prohibiting compensation to any paid petition circulator in certain circumstances; providing the procedure to contest and resolve the alleged improper verification of certain signatures; amending s. 100.371, F.S.; revising requirements for placement of constitutional amendments proposed by initiative on the ballot for the general election; revising and providing rulemaking authority; providing limitations on the contents of a petition form; establishing compliance criteria for petition forms; providing an elector's right to mail or deliver the form to an address provided for that purpose; providing notices that must be contained in each petition form; revising the duties of supervisors of elections; revising requirements relating to the Financial Impact Estimating Conference and financial impact statements; creating s. 100.372, F.S.; providing for the regulation of initiative petition circulators; providing definitions; providing qualification requirements; providing requirements for the practice of paid petition circulation; amending ss. 101.161, and 101.62, F.S.; correcting cross references; amending s. 104.012, F.S.; providing criminal penalties for specified offenses involving voter registration applications; amending s. 104.185, F.S.; revising and providing violations involving petitions and providing penalties therefor; amending s. 104.42, F.S.; revising provisions relating to unlawful registrations, petitions, and voting and the investigation of such matters; requiring documentation and reporting thereof to the Florida Elections Commission within a specified time period; providing for the validity of certain petition signatures gathered before the effective date of the act; requiring previously approved petition forms to be resubmitted for approval in accordance with the requirements of the act; providing severability; providing an effective date.

—was referred to the Committees on Ethics and Elections; Criminal Justice; Judiciary; and Government Efficiency Appropriations.

By Representative Reagan and others—

HB 1567—A bill to be entitled An act relating to elections; amending s. 97.012, F.S.; revising duties of the Secretary of State as chief election

officer; amending s. 97.021, F.S.; revising definitions; creating s. 97.029, F.S.; relating to the award of attorney's fees and costs in proceedings challenging election or voter registration law; amending s. 97.051, F.S.; revising the oath a person must take to register to vote; amending s. 97.052, F.S.; revising provisions relating to the uniform statewide voter registration application; removing the requirement that the uniform statewide voter registration application must contain certain homestead exemption information; providing for applicant notification upon his or her failure to answer required information on the voter registration application form; amending s. 97.053, F.S.; revising criteria for a voter registration application to be deemed complete; specifying where an initial voter registration application may be mailed; amending s. 97.055, F.S.; providing for permitted updates once registration books are closed; creating s. 97.0575, F.S.; regulating third-party voter registrations and registration organizations; requiring third-party voter registration organizations to name a registered agent and submit certain information to the Division of Elections; providing for a fiduciary duty of the third-party voter registration organization to the applicant; providing for joint and several liability for a breach of fiduciary duty; specifying fines; authorizing the division to investigate certain violations; providing for collected fines to be set aside by the division in a trust fund; authorizing the division to adopt certain rules; amending s. 98.045, F.S.; correcting a cross reference; amending s. 98.077, F.S.; providing for signature updates for use in verifying absentee and provisional ballots; providing a deadline for the supervisor of elections to receive voter signature updates; amending s. 99.061, F.S.; amending to conform; revising a financial disclosure requirement for candidate qualification; providing a submission deadline for qualifying papers; amending s. 99.063, F.S.; revising a financial disclosure requirement for certain designated candidates; amending s. 99.092, F.S., relating to qualifying fees of candidates, to conform; amending s. 99.095, F.S.; providing for a petition process in lieu of a qualifying fee and party assessment; providing requirements for signatures and petition format; providing submission deadlines; amending s. 99.0955, F.S.; revising provisions relating to candidates with no party affiliation; amending to conform; deleting obsolete provisions; amending s. 99.096, F.S.; revising filing requirements of minor political party candidates; amending to conform; deleting obsolete provisions; amending s. 99.09651, F.S., relating to signature requirements for ballot position in a year of apportionment, to conform; amending s. 100.011, F.S.; requiring electors in line at the official closing of the polls to be allowed to vote; amending s. 100.101, F.S.; deleting a provision requiring a special election to be held if a vacancy occurs in nomination; amending s. 100.111, F.S.; revising requirements relating to filling candidate vacancies; deleting provisions relating to a prohibition of qualified candidates to fill a vacancy in nomination; deleting obsolete provisions; amending s. 100.141, F.S.; conforming provisions relating to vacancies in nomination and qualifying by an alternative method; amending s. 101.031, F.S.; revising the voter's bill of rights to allow for an elector whose identity in question to cast a provisional ballot and to remove the right for an elector to prove identity by signing an affidavit; amending s. 101.043, F.S., relating to identification required at polls, to conform; amending s. 101.048, F.S.; providing a person casting a provisional ballot the right to present certain eligibility evidence by a certain date; providing for the county canvassing board to review provisional ballot voter's certificates and affirmations; providing a standard of review; revising the provisional ballot voter's certificate and affirmation form; revising provisions relating to casting provisional ballots by electronic means; amending s. 101.049, F.S.; providing for provisional ballots and persons with disabilities; amending s. 101.051, F.S.; prohibiting solicitation of assistance to electors with certain disabilities at certain locations; providing a penalty; requiring a person providing an elector assistance to vote to take a specified oath; amending s. 101.111, F.S.; revising the oath taken by persons challenging the right of a person to vote; deleting the oath required to be taken by a person whose right to vote was challenged and allowing that person to cast a provisional ballot; providing a prohibition against and penalty for frivolous challenges; amending s. 101.131, F.S.; allowing certain poll watchers in early voting areas and polling rooms; providing limitations and restrictions on behavior of poll watchers; providing deadlines regarding designation and approval of poll watchers; amending s. 101.151, F.S.; replacing paper ballots with marksense ballots and accompanying specifications; amending s. 101.171, F.S.; requiring a copy of constitutional amendments to be available at polling locations in poster or booklet form; amending s. 101.294, F.S.; prohibiting a vendor of voting equipment from providing an uncertified voting system or upgrade; providing for certification of voting systems and upgrades; amending s. 101.295, F.S.; providing a penalty; amending s. 101.49, F.S.; revising the procedure of election officers where signatures differ; amending s. 101.51, F.S., relating to electors'

requirements for approval of voting systems, to conform; amending s. 101.5608, F.S., relating to voting by electronic or electromechanical methods, to conform; amending s. 101.5612, F.S.; providing for additional testing of voting systems under certain circumstances; amending s. 101.5614, F.S.; correcting a cross reference; amending s. 101.572, F.S.; revising a provision relating to the public inspection of ballots; amending s. 101.58, F.S.; authorizing certain employees of the Department of State full access to all premises, records, equipment, and staff of the supervisor of elections; amending s. 101.595, F.S.; providing for the reporting of overvotes and undervotes in races for President and Vice President and Governor and Lieutenant Governor or, alternatively, other races appearing first on the ballot; amending s. 101.6103, F.S.; correcting a cross reference; authorizing canvassing boards to begin canvassing mail ballots before the election; providing a time when the results may be released; providing a penalty; amending s. 101.62, F.S.; revising provisions relating to the deadline by which the supervisor of elections must receive a request for an absentee ballot to be mailed to a voter; requiring absentee ballots to be mailed by a certain time; requiring certain information to be available and updated in electronic format as provided by rule adopted by the division; requiring information relating to absentee receipt and delivery dates to be available to the voter requesting the ballot; providing for unavailable regular absentee ballots for overseas electors; providing a deadline by which an absentee ballot request may be fulfilled by personal delivery; amending s. 101.64, F.S.; providing for a certain oath to be provided to overseas electors in lieu of a voter's certificate; amending s. 101.657, F.S.; revising requirements relating to early voting locations; revising the deadline to end early voting and the times for opening and closing the early voting sites each day; providing for uniformity of county early voting sites; requiring any person in line at the closing of an early voting site to be allowed to vote; providing for early voting in municipal and special district elections; requiring supervisors to provide certain information in electronic format to the Division of Elections; amending s. 101.663, F.S.; revising provisions relating to certain electors who move to another state; amending s. 101.68, F.S.; providing that an absentee ballot is deemed to have been cast once it has been received by the supervisor; amending s. 101.69, F.S.; revising a provision relating to voting in person by electors who have requested absentee ballots; amending s. 101.6923, F.S.; revising a provision relating to special absentee ballot instructions for certain voters; amending s. 101.694, F.S.; requiring certain absentee envelopes to meet specifications as determined by a certain federal program; amending s. 101.697, F.S.; providing a condition on the department's ability to accept certain election materials by electronic transmission from overseas voters; amending s. 102.012, F.S.; revising provisions to require supervisors of election to appoint one election board for each precinct; requiring each supervisor to furnish inspectors of election in each precinct with the list of registered voters for the precinct; amending s. 102.014, F.S.; requiring the division to develop a uniform training curriculum for poll workers; revising grounds upon which a supervisor shall replace an inspector or clerk; revising requirements relating to the provisions and availability of a uniform polling place procedures manual; amending s. 102.031, F.S.; revising a provision relating to maintenance of good order at polls, authorities, persons allowed in polling rooms, and unlawful solicitation of voters to apply to early voting areas; providing for the designation of the no solicitation zone; prohibiting photography in a polling room or early voting area; amending s. 102.071, F.S.; decreasing the certificates of the results needed to one; amending s. 102.111, F.S.; providing for typographical errors in official county returns to be certified by the Elections Canvassing Commission; amending s. 102.112, F.S.; requiring the county returns to contain a certain certification; authorizing the department to correct typographical errors in county returns; amending s. 102.141, F.S.; revising provisions relating to county canvassing boards and their duties; requiring that the county canvassing board be responsible for ordering county and local recounts; revising deadlines relating to submission of unofficial returns; adding procedure and content requirements relating to county canvassing boards' reports on conduct of elections; requiring the supervisor of elections to file or export files to the department from election results and other statistical information as may be requested by the department, the Legislature, and the Election Assistance Commission; requiring the department to adopt rules establishing the required content and acceptable formats for certain filings; amending s. 102.166, F.S.; revising provisions relating to manual recounts; amending s. 102.168, F.S.; revising proper party defendants in actions contesting the election or nomination of a candidate; amending s. 103.021, F.S.; requiring the state executive committee of each political party to recommend candidates for presidential electors to the Governor using a specified procedure; providing definitions; amending ss. 103.051

and 103.061, F.S.; revising certain meeting and notice times of the presidential electors; amending s. 103.121, F.S.; revising the powers and duties of executive committees; amending s. 105.031, F.S.; exempting school board candidates from qualifying fee requirements; providing a time by which a qualifying officer may accept and hold certain qualifying papers; amending s. 105.035, F.S.; renaming the "alternative method" of qualifying for certain offices as the "petition process"; removing provisions requiring a person seeking to qualify by the petition process to file a certain oath; providing a limitation upon elector signatures needed by certain candidates; revising deadlines; transferring s. 98.122, F.S., relating to closed caption television broadcasting requirements, and renumbering the section as s. 106.165, F.S.; amending s. 106.22, F.S.; revising the duties of the Division of Elections to remove the duty to conduct certain investigations and make subsequent reports; amending s. 106.29, F.S., relating to the powers and duties of the Florida Elections Commission, to conform; amending s. 16.56, F.S.; authorizing the Office of Statewide Prosecution to investigate and prosecute the offenses of crimes involving voter registration, voting, or candidate or issue petition activities; amending s. 119.07, F.S.; placing a condition on when the supervisor of elections shall notify certain candidates of ballot inspection; amending s. 145.09, F.S.; requiring the Department of State to adopt rules establishing certification requirements of supervisors of elections; repealing s. 98.095, F.S., relating to county registers open to inspection and copies; repealing s. 98.0979, F.S.; relating to the statewide voter registration database's being open to inspection and copies; repealing s. 98.181, F.S., relating to supervisors of elections making up indexes or records; repealing s. 98.481, F.S., relating to challenge to electors; repealing s. 101.253, F.S.; relating to when names are not to be printed on ballots; repealing s. 101.635, F.S.; relating to distribution of blocks of printed ballots; repealing s. 102.061, F.S.; relating to duties of election board, counting, and closing polls; repealing s. 106.085, F.S., relating to independent expenditures, prohibited unfair surprise, notice requirements, and a penalty; repealing s. 106.144, F.S.; relating to endorsements or opposition by certain groups and organizations; providing for severability; providing an effective date.

—was referred to the Committees on Ethics and Elections; Judiciary; Transportation and Economic Development Appropriations; Ways and Means; and Rules and Calendar.

By the Committee on Economic Development, Trade and Banking; and Representative Bilirakis and others—

HB 1693—A bill to be entitled An act relating to unemployment compensation; amending s. 120.80, F.S.; providing an exemption for special deputies from uniform rules of procedure; amending s. 443.071, F.S.; providing penalties for false employer schemes; providing the requirements for establishing prima facie evidence; authorizing certain access to records relating to investigations of unemployment compensation fraud; amending s. 443.091, F.S.; clarifying benefit eligibility; amending s. 443.1216, F.S.; clarifying the persons that employee leasing companies may lease to a client; clarifying the exemption of certain service from the definition of employment; amending s. 443.1217, F.S.; clarifying exempt wages for the purpose of determining employer contributions; amending s. 443.131, F.S.; revising the definition of "total excess payments"; prohibiting the transfer of unemployment experience by acquisition of a business in certain cases; providing for calculation of unemployment experience rating; providing penalties; amending s. 443.151, F.S.; providing for dismissal of untimely filed appeals; extending a deadline for recoupment of benefits; amending s. 895.02, F.S.; revising the definition of "racketeering activity"; reenacting ss. 16.56(1)(a), 655.50(3)(g), 896.101(2)(g), and 905.34(3), F.S., relating to the Office of Statewide Prosecution, the Florida Control of Money Laundering in Financial Institutions Act, the Florida Money Laundering Act, and the powers and duties of a statewide grand jury, respectively, to incorporate the amendment to s. 895.02, F.S., in references thereto; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Criminal Justice; and Transportation and Economic Development Appropriations.

By the Committee on Economic Development, Trade and Banking; and Representative Bilirakis and others—

HB 1725—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; extending an expiration date for an exemption for business property used in an enterprise zone; 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.; deleting obsolete provisions; 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.; deleting obsolete provisions; 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; providing for carryover of eligibility for tax credits under s. 212.096, F.S.; providing for carryover of eligibility for tax credits under s. 220.181, F.S.; providing for carryover of eligibility for tax exemption under s. 196.1995, F.S., and the tax exemption under s. 220.182, F.S.; providing for carryover of eligibility for tax credits under s. 220.183, F.S.; providing for carryover of eligibility for tax credits under s. 212.08, F.S.; providing for carryover of eligibility for tax credits under s. 624.5105, F.S.; providing for carryover of eligibility for a tax exemption under s. 212.08, F.S.; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Community Affairs; Government Efficiency Appropriations; and Ways and Means.

By Representative Kreegel and others—

HB 1469—A bill to be entitled An act relating to public records and meetings exemptions; creating s. 497.172, F.S.; creating a public meetings exemption for the Board of Funeral, Cemetery, and Consumer Services for those portions of meetings conducted for the exclusive purpose of developing or reviewing licensure examination questions and answers; creating a public meetings exemption for probable cause panel meetings of the board; creating a public records exemption for records of exempt probable cause panel meetings for a time certain; creating a public records exemption for records relating to investigations, inspections, or examinations in process for a time certain; maintaining the

public records exemptions under certain circumstances; creating a public records exemption for trade secrets; providing for future review and repeal; providing findings of public necessity; providing a contingent effective date.

—was referred to the Committees on Regulated Industries; Banking and Insurance; Criminal Justice; Governmental Oversight and Productivity; and Rules and Calendar.

By the Committee on Criminal Justice; and Representative Kravitz and others—

HB 1867—A bill to be entitled An act relating to the death penalty; repealing Rule 3.203, Florida Rules of Criminal Procedure, relating to imposition of the death penalty; providing an effective date.

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

By Representative Seiler and others—

HB 747—A bill to be entitled An act relating to the Citizen Soldier Matching Grant Trust Fund; creating the Citizen Soldier Matching Grant Trust Fund within the Agency for Workforce Innovation; requiring that moneys in the trust fund be used to award matching grants to private sector employers who provide wages to employees serving in the United States Armed Forces Reserves or the Florida National Guard while such employees are on federal active duty; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—was referred to the Committees on Commerce and Consumer Services; Community Affairs; and Transportation and Economic Development Appropriations.

By the Committee on Judiciary; and Representative Simmons and others—

HJR 1723—A joint resolution proposing an amendment to Section 5 of Article XI of the State Constitution to require that any proposed amendment to or revision of the State Constitution be approved by at least 60 percent of the electors voting on the measure.

—was referred to the Committees on Ethics and Elections; Judiciary; and Rules and Calendar.

By the Committee on Judiciary; and Representative Simmons and others—

HJR 1727—A joint resolution proposing an amendment to Section 3 of Article XI of the State Constitution to provide the permissible subject matter of revisions or amendments to the State Constitution proposed by initiative.

—was referred to the Committees on Ethics and Elections; Judiciary; and Rules and Calendar.

By the Committee on Judiciary; and Representative Simmons and others—

HJR 1741—A joint resolution proposing an amendment to Section 7 of Article XI of the State Constitution to require approval by at least two-thirds of the voters of any proposed amendment or revision to the State Constitution imposing or authorizing imposition of any new tax or fee, increasing or authorizing an increase in any existing tax or fee, or imposing a significant fiscal impact on the state, counties, school districts, municipalities, or special districts, and to delete a provision limiting such voting requirement to only new state taxes or fees.

—was referred to the Committees on Ethics and Elections; Judiciary; Government Efficiency Appropriations; and Rules and Calendar.

CORRECTION AND APPROVAL OF JOURNAL

for SB 1026, CS for CS for SB 1308, CS for SB 1748, CS for SB 1884, CS for SB 2216, CS for SB 2364; Peaden—SB 1658; Wilson—SB 1634

The Journal of April 27 was corrected and approved.

CO-INTRODUCERS

Senators Alexander—SB 1658; Bullard—CS for CS for SB 202, CS for CS for SB 1872; Klein—CS for SB 284, CS for CS for SB 774, CS for CS for SB 1872; Lynn—CS for SB 124, CS for SB 274, CS for SB 484, CS for SB 510, SB 550, CS for CS for SB 662, CS for SB 976, CS for CS for CS

RECESS

On motion by Senator Argenziano, the Senate recessed at 5:00 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Friday, April 29 or upon call of the President.