



Journal of the Senate

Number 22—Regular Session

Friday, April 29, 2005

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CALL TO ORDER

The Senate was called to order by President Lee at 10:24 a.m. A quorum present—39:

| | | |
|---------------|---------------------|------------|
| 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 |
| Campbell | King | Smith |
| Carlton | Klein | Villalobos |
| Clary | Lawson | Webster |
| Constantine | Lynn | Wilson |
| Crist | Margolis | Wise |

Excused: Senator Dawson

PRAYER

The following prayer was offered by Rabbi Kurt Stone, North Broward Havurah, Coral Springs:

Master of the Universe: We call you by a hundred different names, and call upon you in a thousand different ways. And yet, whether we address you as God, Jesus, Ha-Shem, Allah, Vishnu or Yaweh; whether we stand, kneel or fall prostrate on the ground; whether we recite prayers that are written from left to right, right to left or top to bottom, we are all, essentially, addressing the one who creates and sustains, who exalts and judges, who blesses and enables that which is best in each of us. Through the very act of invoking your name, we seek your guidance, your approval, and above all, your strength and blessing.

Unquestionably, you have already bestowed manifold blessings upon the members of this august legislative body—blessings that have permitted them to become leaders in this great state. We pray that they be ever mindful of the awesome responsibility that comes from being so engifted; that they constantly pause to reflect upon the very nature of communal responsibility. May they keep uppermost in their hearts and minds the most basic and purposive reasons why they are here: To feed the hungry and clothe the naked; to exercise stewardship over all the natural glories that you have created; to educate, to elevate, and to advocate.

May we, who have been given so many blessings, be ever cognizant of the fact that many paths can lead to the same destination. May these

men and women—they who call each other “Honorable” and “Distinguished”—realize that you, dear God, have given us two ears with which to hear, and but one mouth with which to speak. May all of us understand that although there are undoubtedly many paths to the gates of glory, there is but one gatekeeper—you and you alone.

May you bless us and keep us.

May you cause your great countenance to shine upon us and be gracious unto us.

May you lift up the light of your countenance and grant us the most precious of all your abundant blessings—the blessing of peace. Amen.

PLEDGE

Senate Pages Kenny McCloud of Quincy; Eric James Perrott of Pembroke Pines; Blake Palmer Burford of Ft. Pierce; and Katherine Ward, daughter of House Chief of Staff Bob Ward, 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. Ronald L. Knaus of Largo, sponsored by Senator Jones, as doctor of the day. Dr. Knaus specializes in Psychiatry.

ADOPTION OF RESOLUTIONS

At the request of Senator Dockery—

By Senator Dockery—

SR 2760—A resolution recognizing the Sumter County Board of County Commissioners for its work on the Florida Organic Recycling Center for Excellence.

WHEREAS, Sumter County, in partnership with the Department of Environmental Protection and with public and private researchers, created the Florida Organic Recycling Center for Excellence (F.O.R.C.E.), and

WHEREAS, the purpose of F.O.R.C.E. is to bring together academic researchers and industry leaders to develop practical and applicable solutions for Florida’s organic waste, and

WHEREAS, the solid-waste stream accounts for about one-half of Florida’s solid waste, and

WHEREAS, training and outreach activities provided by F.O.R.C.E. have been attended by a wide range of Florida government and industry leaders, and

WHEREAS, F.O.R.C.E. has been active in making presentations at local, state, and national meetings and conferences regarding solid-waste recycling and composting, and

WHEREAS, the efforts of F.O.R.C.E. have produced a searchable database providing information and links to over 200 organizations nationwide in the organics processing industry, and

WHEREAS, researchers from the public and private sectors in conjunction with F.O.R.C.E. are involved in over \$200,000 worth of research and development projects, and

WHEREAS, organics recovery and production can provide physical, chemical, and environmental benefits in helping to protect Florida’s soil and groundwater, NOW, THEREFORE,

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

That the Sumter County Commission is commended for its outstanding efforts to reduce solid waste and improve the soil and groundwater in the State of Florida through the Florida Organic Recycling Center of Excellence.

—**SR 2760** was introduced, read and adopted by publication.

At the request of Senator Jones—

By Senator Jones—

SR 2770—A resolution commending Ronald L. Knaus, D.O., for his 25 consecutive years of service as Doctor of the Day for the Florida Legislature.

WHEREAS, Dr. Ronald L. Knaus, an osteopathic physician of Seminole, Florida, has served as Doctor of the Day in the Florida Legislature for 25 consecutive years, and

WHEREAS, Dr. Knaus is board-certified in Psychiatry and Sports Medicine, and

WHEREAS, Dr. Knaus has been treating patients for more than 27 years, and

WHEREAS, Dr. Knaus has spent his career as a psychiatrist and author helping those in need at mental health centers, hospitals, clinics, and in his private practice in Seminole, Florida, NOW, THEREFORE,

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

That the Florida Senate commends and congratulates Ronald L. Knaus, D.O., on his 25 consecutive years of service as Doctor of the Day in the Florida Legislature.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Ronald L. Knaus, D.O., as a token of the appreciation of the Florida Senate.

—**SR 2770** was introduced, read and adopted by publication.

MOTION

On motion by Senator Crist, by two-thirds vote **CS for SB 276** which passed April 28 was ordered immediately certified to the House.

BILLS ON THIRD READING

Consideration of **CS for SB 718**, **HB 1659**, **CS for SB 530**, **SB 752**, **HB 1141** and **CS for SB 284** was deferred.

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.

—was read the third time by title.

On motion by Senator Clary, **HB 699** was passed and certified to the House. The vote on passage was:

Yeas—37

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|---------------|---------------------|----------|
| 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 |
| Campbell | King | Smith |
| Carlton | Klein | Wilson |
| Clary | Lawson | Wise |
| Constantine | Lynn | |
| Crist | Margolis | |

Nays—None

Vote after roll call:

Yea—Villalobos, Webster

SENATOR MILLER PRESIDING

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 third time by title.

On motion by Senator Wise, **CS for CS for SB 2550** was passed and certified to the House. The vote on passage was:

Yeas—37

| | | |
|---------------------|-------------|------------|
| 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 | |
| Diaz de la Portilla | Peaden | |

Nays—None

Vote after roll call:

Yea—Miller

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

misdeemeanor 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 third time by title.

On motion by Senator Geller, **CS for SB 48** was passed and certified to the House. The vote on passage was:

Yeas—38

| | | |
|---------------------|-------------|------------|
| Alexander | Dockery | Peaden |
| Argenziano | Fasano | Posey |
| Aronberg | Garcia | 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 |
| Diaz de la Portilla | Miller | |

Nays—None

Consideration of **CS for SB 1344** was deferred.

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.

—as amended April 28 was read the third time by title.

On motion by Senator Margolis, **HB 879** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

| | | |
|---------------------|-------------|------------|
| Alexander | Dockery | Peaden |
| Argenziano | Fasano | Posey |
| Aronberg | Garcia | 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 |
| Diaz de la Portilla | Miller | |

Nays—None

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.

—as amended April 28 was read the third time by title.

On motion by Senator Rich, **HB 925** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

| | | |
|---------------------|-------------|------------|
| Alexander | Dockery | Peaden |
| Argenziano | Fasano | Posey |
| Aronberg | Garcia | 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 |
| Diaz de la Portilla | Miller | |

Nays—None

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; 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; providing an effective date.

—as amended April 28 was read the third time by title.

On motion by Senator Sebesta, **CS for CS for SB 652** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

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|---------------------|-------------|------------|
| Alexander | Dockery | Peaden |
| Argenziano | Fasano | Posey |
| Aronberg | Garcia | 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 |
| Diaz de la Portilla | Miller | |

Nays—None

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.

—was read the third time by title.

On motion by Senator Bennett, **HB 41** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Smith
Villalobos
Nays—None

Webster
Wilson

Wise

Nay—Siplin

Yea to Nay—Wise

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; 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.

—as amended April 28 was read the third time by title.

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 by two-thirds vote:

Amendment 1 (064738)—On page 10, lines 4 and 5, delete “October 1, 2005” and insert: *90 days after the effective date of this act*

On motion by Senator Geller, **CS for CS for SB 1348** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—27

| | | |
|------------|-------------|------------|
| Alexander | Constantine | Lawson |
| Argenziano | Crist | Miller |
| Aronberg | Dockery | Peaden |
| Atwater | Garcia | Pruitt |
| Baker | Geller | Sebesta |
| Bennett | Haridopolos | Smith |
| Bullard | Hill | Villalobos |
| Campbell | Jones | Wilson |
| Clary | King | Wise |

Nays—10

| | | |
|---------------------|----------|----------|
| Carlton | Lynn | Rich |
| Diaz de la Portilla | Margolis | Saunders |
| Fasano | Posey | Webster |
| Klein | | |

Vote after roll call:

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.

—was read the third time by title.

On motion by Senator Dockery, **HB 1141** was passed and certified to the House. The vote on passage was:

Yeas—38

| | | |
|---------------------|-------------|------------|
| Alexander | Dockery | Peaden |
| Argenziano | Fasano | Posey |
| Aronberg | Garcia | 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 |
| Diaz de la Portilla | Miller | |

Nays—None

SPECIAL ORDER CALENDAR

Consideration of **SB 1356** was deferred.

On motion by Senator Lynn, by two-thirds vote **HB 285** was withdrawn from the Committees on Judiciary; and Criminal Justice.

On motion by Senator Lynn—

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.

—a companion measure, was substituted for **CS for SB 214** and read the second time by title.

Pursuant to Rule 4.19, **HB 285** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1498** was deferred.

On motion by Senator King—

CS for CS for CS for SB 2—A bill to be entitled An act relating to scholarship programs; amending s. 1002.39, F.S., relating to the John M. McKay Scholarships for Students with Disabilities Program; revising the definition of an eligible student; revising the eligibility requirements of the program; revising requirements for scholarship funding and payments; providing reporting requirements for school districts; holding a school district harmless from a specified student enrollment ceiling; prohibiting the transfer of funds to the Florida School for the Deaf and the Blind under certain circumstances; extending the term of the scholarship; prohibiting certain students from receiving a scholarship; revising the parental notification requirements; authorizing certain scholarship students to participate in a distance learning or correspondence course or a private tutoring program under certain circumstances; providing a definition of timely parental notification; providing requirements for district school boards with respect to completing and making changes to the matrix of services for scholarship students; requiring school districts to provide parental notification related to reassessments; revising requirements that a participating private school demonstrate fiscal soundness; requiring annual registration of private schools; providing requirements for documentation and notice; providing additional requirements for participating private schools; requiring annual sworn and notarized compliance statements to be filed with the department; requiring specific documentation for participating scholarship students; requiring that the private school maintain a physical location in this state; requiring that information be made available to potential scholarship students and the department; requiring scholarship students to participate in assessments; requiring notification to parents regarding student skill levels; requiring notification to the department regarding changes in information; requiring notification to local health departments; prohibiting discrimination on the basis of religion by a private school; requiring certain individuals to undergo level 2 background screening requirements pursuant to s. 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.

—was read the second time by title.

MOTION

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

Senator Wise moved the following amendment which was adopted:

Amendment 1 (302708)(with title amendment)—On page 62, lines 8-12, delete section 4 and renumber subsequent section.

And the title is amended as follows:

On page 11, line 28 through page 12, line 1, delete those lines and insert: authority; providing an

Pursuant to Rule 4.19, **CS for CS for CS for SB 2** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Aronberg—

CS for SB 282—A bill to be entitled An act relating to criminal acts committed during a state of emergency; amending s. 810.02, F.S.; providing enhanced penalties for specified burglaries that are committed during a state of emergency; providing that a person arrested for committing a burglary during a state of emergency may not be released until that person appears before a magistrate at a first-appearance hearing; directing that a felony burglary committed during a state of emergency be reclassified one level above the current ranking of the offense committed; amending s. 812.014, F.S.; providing enhanced penalties for the theft of certain property stolen during a state of emergency; directing that a felony theft committed during a state of emergency be reclassified one level above the current ranking of the offense committed; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 282** was placed on the calendar of Bills on Third Reading.

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.

—was read the second time by title.

MOTION

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

Senator Constantine moved the following amendment which was adopted:

Amendment 1 (562590)—On page 5, lines 19-21, delete those lines and insert: *undertaken while pursuing a degree;*

(g) *Remedial and English as a Second Language credit hours; and*

(h) *Credit hours earned in military science courses (R.O.T.C).*

On motion by Senator Constantine, further consideration of **CS for CS for SB 2236** as amended was deferred.

On motion by 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.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 2264** was placed on the calendar of Bills on Third Reading.

On motion by Senator Clary—

CS for SB 786—A bill to be entitled An act relating to fees imposed on tire and battery sales; amending s. 403.718, F.S.; imposing a fee on the sale of new motor vehicle tires sold to governmental entities; amending s. 403.7185, F.S.; imposing a fee on the sale of new or remanufactured lead-acid batteries sold to governmental entities; specifying that certain amendments are remedial in nature and are intended for clarification; providing that certain dealers are not eligible for a refund; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 786** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 2542** was deferred.

CS for CS for SB 1264—A bill to be entitled An act relating to highway safety; creating the Anjelica and Victoria Velez Memorial Traffic Safety Act; amending s. 316.650, F.S.; requiring the printed traffic citation form to have a box for failing to stop at a traffic signal; amending s. 318.18, F.S.; revising the penalty for a moving violation of a traffic control signal showing a steady red indication; providing for distribution of moneys collected; amending s. 318.21, F.S.; providing for distribution of specified civil penalties; amending s. 322.0261, F.S.; requiring a driver improvement course for a second moving violation of a traffic control signal showing a steady red indication within a specified time period; providing a penalty for failure to complete such course within a specified time period; amending s. 322.27, F.S.; assigning a point value for conviction of a moving violation of a traffic control signal showing a steady red indication; correcting a cross-reference relating to assessment of points for litter violations; creating s. 395.4036, F.S.; providing for distribution of funds to trauma centers; authorizing trauma centers to request that such funds be used as intergovernmental transfer funds in the Medicaid program; providing for audits and attestations; providing an appropriation; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for SB 1264** to **HB 497**.

Pending further consideration of **CS for CS for SB 1264** as amended, on motion by Senator Saunders, by two-thirds vote **HB 497** was withdrawn from the Committees on Transportation; Health Care; Government Efficiency Appropriations; Health and Human Services Appropriations; and Ways and Means.

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

HB 497—A bill to be entitled An act relating to highway safety; creating the Anjelica and Victoria Velez Memorial Traffic Safety Act; amending s. 316.650, F.S.; requiring traffic citation forms to include a check box indicating a failure to stop at a traffic signal; amending s. 318.18, F.S.; revising the penalty for a moving violation of a traffic control signal steady red indication and of a traffic control device when a driver fails to stop at a traffic signal; providing for distribution of moneys collected; amending s. 318.21, F.S.; providing for distribution of specified civil penalties; amending s. 322.0261, F.S.; requiring the Department of Highway Safety and Motor Vehicles to identify a person who has committed a second moving violation of a traffic control signal steady red indication or of a traffic control device within a specified time period and require such person to complete a driver improvement course; providing for cancellation of license for failure to complete said course within a specified time period; amending s. 322.27, F.S.; assigning a point value for the conviction of a moving violation of a traffic control signal steady red indication or of a traffic control device; creating s. 395.4036, F.S.; providing for distribution of funds to trauma centers; authorizing trauma centers to request that such funds be used as intergovernmental transfer funds in the Medicaid program; providing for audits and attestations; providing an appropriation; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1264** as amended and read the second time by title.

On motion by Senator Saunders, further consideration of **HB 497** was deferred.

CS for CS for SB 1110—A bill to be entitled An act relating to the distribution of proceeds from the excise tax on documents; amending s. 201.15, F.S.; revising monetary criteria for distributing portions of the tax to certain trust funds; requiring that proceeds of the tax in excess of specified amounts be deposited into the General Revenue Fund; providing for increased distributions to certain trust funds under certain circumstances to provide for payments on bonds; revising monetary criteria for distributing portions of the tax to the State Housing Trust Fund and the Local Government Housing Trust Fund for purposes of preserving the rights of holders of affordable housing guarantees; requiring distributions to the State Housing Trust Fund to be sufficient for certain purposes; providing direction on the recurring impact; making appropriations; providing a limitation; providing an effective date.

—was read the second time by title.

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

Amendment 1 (654258)(with title amendment)—On page 10, lines 11-20, delete those lines and insert:

Section 2. *Effective July 1, 2005, there is appropriated for the 2005-2006 fiscal year to the Florida Housing Finance Corporation \$175,500,000 from the Local Government Housing Trust Fund and \$74,500,000 from the State Housing Trust Fund for the purpose of providing funds to eligible entities for affordable housing recovery efforts as recommended by the Hurricane Housing Work Group.*

Section 3. *To administer section 2 of this act, the Florida Housing Finance Corporation may adopt emergency rules pursuant to section 120.54, Florida Statutes. The Legislature finds that emergency rules adopted pursuant to this section meet the health, safety, and welfare requirement of section 120.54(4), Florida Statutes. The Legislature finds that such emergency rulemaking power is necessary for the preservation of the rights and welfare of the people in order to provide additional funds to assist those areas of the state which sustained housing damage due to hurricanes during 2004. Therefore, in adopting such emergency rules, the*

corporation need not make the findings required by section 120.54(4)(a), Florida Statutes. Emergency rules adopted under this section are exempt from section 120.54(4)(c), Florida Statutes, and shall remain in effect for 180 days.

And the title is amended as follows:

On page 1, lines 18-20, delete those lines and insert: for certain purposes; making appropriations; authorizing the Florida Housing Finance Corporation to adopt emergency rules; providing legislative findings; exempting such emergency rules from the requirements of the Administrative Procedure Act in s. 120.54, F.S., relating to the effective time period for emergency rules; providing an effective

MOTION

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

Senator Klein moved the following amendment which failed:

Amendment 2 (115550)—On page 7, line 10 through page 10, line 7, delete those lines and insert:

(9) *The lesser of seven and fifty-three hundredths percent of the remaining taxes collected under this chapter or an amount equal to \$8.38 multiplied by the state population, with the determination of such population to be made with respect to any fiscal year on the basis of the most recent census estimate of the resident population of the state released by the Bureau of Census before the January 15 which precedes the beginning of such fiscal year, shall be paid into the State Treasury to the credit of the State Housing Trust Fund and shall be used as follows:*

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

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

(10) *The lesser of eight and sixty-six hundredths percent of the remaining taxes collected under this chapter or an amount equal to \$10.65 multiplied by the state population, with the determination of such population to be made with respect to any fiscal year on the basis of the most recent census estimate of the resident population of the state released by the Bureau of Census before the January 15 which precedes the beginning of such fiscal year, shall be paid into the State Treasury to the credit of the State Housing Trust Fund and shall be used as follows:*

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

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

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

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

paragraphs (1)(c) and (2)(b) and subsections (3), (4), (5), (6), (7), (8), (9), and (10).

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

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

(15) *Beginning July 1, 2008, in each fiscal year that the remaining taxes collected under this chapter exceed such collections in the prior fiscal year, the stated maximum dollar amounts provided in subsections (2), (4), (6), and (7) shall each be increased by an amount equal to 10 percent of the increase in the remaining taxes collected under this chapter multiplied by the applicable percentage provided in those subsections.*

(16) *If the payment requirements in any year for bonds outstanding on July 1, 2007, or bonds issued to refund such bonds, exceed the limitations of this section, distributions to the trust fund from which the bond payments are made shall be increased to the lesser of the amount needed to pay bond obligations or the limit of the applicable percentage distribution provided in subsections (1)-(12).*

(17) *Distributions to the State Housing Trust Fund pursuant to subsections (9) and (10) shall be sufficient to cover amounts required to be transferred to the Florida Affordable Housing Guarantee Program's annual debt service reserve and guarantee fund pursuant to s. 420.5092(6)(a) and (b) up to but not exceeding the amount required to be transferred to such reserve and fund based on the percentage distribution of documentary stamp tax revenues to the State Housing Trust Fund which is in effect in the 2004-2005 fiscal year.*

(18) *In each fiscal year after fiscal year 2007-2008, the stated maximum dollar amounts provided in subsections (9) and (10) shall be increased by a cost adjustment equal to such dollar amount multiplied by the percentage by which the median sales price of a single-family existing home as of December of the calendar year preceding such fiscal year exceeds the sales price of such a home as of December 2006. For purposes of this subsection, the term "median price of a single-family existing home" means the price in the Florida Sales Report released each year by the Florida Association of Realtors and the University of Florida Real Estate Research Center.*

(19) *The remaining taxes collected under this chapter,*

On motion by Senator Atwater, further consideration of **CS for CS for SB 1110** as amended was deferred.

On motion by Senator Atwater—

HB 1889—A bill to be entitled An act relating to the distribution of proceeds from the excise tax on documents; amending s. 201.15, F.S.; revising monetary criteria for distributing portions of the tax to certain trust funds; revising authorization for the Department of Revenue to use certain amounts for certain purposes; requiring that proceeds of the tax in excess of specified amounts be deposited into the General Revenue Fund; providing for increased distributions to certain trust funds under certain circumstances to provide for payments on bonds; revising monetary criteria for distributing portions of the tax to the State Housing Trust Fund and the Local Government Housing Trust Fund for purposes of preserving the rights of holders of affordable housing guarantees; requiring distributions to the State Housing Trust Fund to be sufficient for certain purposes; providing a limitation; providing effective dates.

—was read the second time by title.

Senator Atwater moved the following amendment which was adopted:

Amendment 1 (874624)(with title amendment)—Delete everything after the enacting clause and insert:

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

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

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

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

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

(c) The remainder of the moneys distributed under this subsection, after the required payments under paragraphs (a) and (b), shall be paid into the State Treasury to the credit of the Land Acquisition Trust Fund and may be used for any purpose for which funds deposited in the Land Acquisition Trust Fund may lawfully be used. Payments made under this paragraph shall continue until the cumulative amount credited to the Land Acquisition Trust Fund for the fiscal year under this paragraph and paragraph (2)(b) equals 70 percent of the current official forecast for distributions of taxes collected under this chapter pursuant to subsection (2). As used in this paragraph, the term “current official forecast” means the most recent forecast as determined by the Revenue Estimating Conference. If the current official forecast for a fiscal year changes after payments under this paragraph have ended during that fiscal year, no further payments are required ~~under this paragraph~~ during the fiscal year.

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

(2) *The lesser of seven and fifty-six hundredths percent of the remaining taxes collected under this chapter or \$84.9 million in each fiscal year shall be used for the following purposes:*

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

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

(3) *The lesser of one and ninety-four hundredths percent of the remaining taxes collected under this chapter or \$26 million in each fiscal year shall be paid into the State Treasury to the credit of the Land Acquisition Trust Fund. Moneys deposited in the trust fund pursuant to this section shall be used ~~for the following purposes:~~*

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

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

(4) *The lesser of four and two-tenths percent of the remaining taxes collected under this chapter or \$60.5 million in each fiscal year shall be paid into the State Treasury to the credit of the Water Management Lands Trust Fund. Sums deposited in that fund may be used for any purpose authorized in s. 373.59.*

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

(6) *The lesser of two and twenty-eight hundredths percent of the remaining taxes collected under this chapter or \$36.1 million in each fiscal year shall be paid into the State Treasury to the credit of the Invasive Plant Control Trust Fund to carry out the purposes set forth in ss. 369.22 and 369.252.*

(7) *The lesser of one-half of one percent of the remaining taxes collected under this chapter or \$9.3 million in each fiscal year shall be paid into the State Treasury to the credit of the State Game Trust Fund to be used exclusively for the purpose of implementing the Lake Restoration 2020 Program.*

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

from the distribution of taxes collected under this chapter to address water quality impacts associated with nonagricultural nonpoint sources will be excluded when calculating the unobligated balance of the Water Quality Assurance Trust Fund as it relates to the determination of the applicable excise tax rate.

(9) *The lesser of seven and fifty-three hundredths percent of the remaining taxes collected under this chapter or \$107 million in each fiscal year shall be paid into the State Treasury to the credit of the State Housing Trust Fund and shall be used as follows:*

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

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

(10) *The lessor of eight and sixty-six hundredths percent of the remaining taxes collected under this chapter or \$136 million in each fiscal year shall be paid into the State Treasury to the credit of the State Housing Trust Fund and shall be used as follows:*

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

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

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

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

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

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

(15) *Beginning July 1, 2008, in each fiscal year that the remaining taxes collected under this chapter exceed such collections in the prior fiscal year, the stated maximum dollar amounts provided in subsections (2), (4), (6), (7), (9), and (10) shall each be increased by an amount equal to 10 percent of the increase in the remaining taxes collected under this chapter multiplied by the applicable percentage provided in those subsections.*

(16) *If the payment requirements in any year for bonds outstanding on July 1, 2007, or bonds issued to refund such bonds, exceed the limitations of this section, distributions to the trust fund from which the bond payments are made shall be increased to the lesser of the amount needed to pay bond obligations or the limit of the applicable percentage distribution provided in subsections (1)-(12).*

(17) *Distributions to the State Housing Trust Fund pursuant to subsections (9) and (10) shall be sufficient to cover amounts required to be transferred to the Florida Affordable Housing Guarantee Program's annual debt service reserve and guarantee fund pursuant to s. 420.5092(6)(a) and (b) up to but not exceeding the amount required to be transferred to such reserve and fund based on the percentage distribution of documentary stamp tax revenues to the State Housing Trust Fund which is in effect in the 2004-2005 fiscal year.*

(18) *The remaining taxes collected under this chapter, after the distributions provided in the preceding subsections, shall be paid into the State Treasury to the credit of the General Revenue Fund.*

Section 2. *Effective July 1, 2005, there is appropriated for the 2005-2006 fiscal year to the Florida Housing Finance Corporation \$175.5 million from the Local Government Housing Trust Fund and \$74.5 million from the State Housing Trust Fund for the purpose of providing funds to eligible entities for affordable housing recovery efforts as recommended by the Hurricane Housing Work Group.*

Section 3. *To administer section 2 of this act, the Florida Housing Finance Corporation may adopt emergency rules pursuant to section 120.54, Florida Statutes. The Legislature finds that emergency rules adopted pursuant to this section meet the health, safety, and welfare requirement of section 120.54(4), Florida Statutes. The Legislature finds that such emergency rulemaking power is necessary for the preservation of the rights and welfare of the people in order to provide additional funds to assist those areas of the state which sustained housing damage due to hurricanes during 2004. Therefore, in adopting such emergency rules, the corporation need not make the findings required by section 120.54(4)(a), Florida Statutes. Emergency rules adopted under this section are exempt from section 120.54(4)(c), Florida Statutes, and shall remain in effect for 180 days.*

Section 4. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2007.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the distribution of proceeds from the excise tax on documents; amending s. 201.15, F.S.; revising monetary criteria for distributing portions of the tax to certain trust funds; requiring that proceeds of the tax in excess of specified amounts be deposited into the General Revenue Fund; providing for increased distributions to certain trust funds under certain circumstances to provide for payments on bonds; revising monetary criteria for distributing portions of the tax to the State Housing Trust Fund and the Local Government Housing Trust Fund for purposes of preserving the rights of holders of affordable housing guarantees; requiring distributions to the State Housing Trust Fund to be sufficient for certain purposes; making appropriations; authorizing the Florida Housing Finance Corporation to adopt emergency rules; providing legislative findings; exempting such emergency rules from the requirements of s. 120.54, F.S., relating to the effective time period for emergency rules; providing an effective date.

Pursuant to Rule 4.19, **HB 1889** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Haridopolos—

CS for SB 1592—A bill to be entitled An act relating to the Department of Military Affairs; amending s. 250.01, F.S.; defining the term "servicemembers' group life insurance"; creating s. 250.342, F.S.; requiring the department to provide life insurance for members of the Florida National Guard, subject to appropriation; requiring a report; creating s. 250.5206, F.S.; requiring the Department of Military Affairs to establish the Family Readiness Program; stating that the purpose of the program is to provide need-based assistance to families of specified members of the Florida National Guard who are on active duty; providing that implementation of the program is subject to appropriations expressly pro-

vided for the program; specifying uses of the funds; specifying services for which the funds may be used; providing criteria for program eligibility; providing for a review of requests for assistance under the program; creating a Family Readiness Advisory Board; providing for membership of the board; providing that the Adjutant General or the Adjutant General's designee has the authority to disburse program funds; providing for periodic audits of the program; requiring the department to provide an annual report to the Governor and the Legislature; authorizing the department to adopt rules; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 1592** to **HB 1069**.

Pending further consideration of **CS for SB 1592** as amended, on motion by Senator Haridopolos, by two-thirds vote **HB 1069** was withdrawn from the Committees on Community Affairs; and Transportation and Economic Development Appropriations.

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

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.

—a companion measure, was substituted for **CS for SB 1592** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 1069** was placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano—

SB 308—A bill to be entitled An act relating to law enforcement officers; amending s. 112.532, F.S.; requiring that all identifiable witnesses be interviewed, whenever possible, before beginning the investigative interview of the accused law enforcement officer; requiring that the complaint and all witness statements be given to the law enforcement officer before beginning an investigative interview; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 308** was placed on the calendar of Bills on Third Reading.

On motion by Senator Peaden—

CS for SB 1208—A bill to be entitled An act relating to long-term care coverage; amending s. 409.905, F.S.; providing conditions for eligibility; creating s. 409.9102, F.S.; directing the Agency for Health Care Administration to establish the Long-term Care Partnership Program; providing purpose and duties; directing the agency to submit a plan and proposed legislation to the Legislature; providing a contingent effective date.

—was read the second time by title.

MOTION

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

Senator Peaden moved the following amendment which was adopted:

Amendment 1 (765870)—On page 3, line 28, delete “section 409.902,” and insert: section 409.905,

Pursuant to Rule 4.19, **CS for SB 1208** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Saunders, by two-thirds vote **HB 1081** was withdrawn from the Committees on Banking and Insurance; and Health Care.

On motion by Senator Saunders—

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.

—a companion measure, was substituted for **CS for SB 2214** and read the second time by title.

Pursuant to Rule 4.19, **HB 1081** was placed on the calendar of Bills on Third Reading.

CS for SB 1232—A bill to be entitled An act relating to wind-protection provisions of the Florida Building Code; amending ch. 2000-141, Laws of Florida; providing for removal of outdated wind-protection standards from the Florida Building Code; providing for an update of the code's wind-protection standards; providing an appropriation; providing for incorporation in the Florida Building Code of the repeal of a design option relating to internal pressure for buildings within the windborne debris region; requiring the Florida Building Commission to make recommendations to the Legislature; providing an effective date.

—was read the second time by title.

The Committee on Regulated Industries recommended the following amendment which was moved by Senator Lynn and adopted:

Amendment 1 (125694)—On page 3, line 1, after “appropriates” insert: , for fiscal year 2005-2006 only,

Senator Lynn moved the following amendment:

Amendment 2 (091450)(with title amendment)—On page 1, line 19 through page 2, line 20, delete those lines and insert:

Section 1. *Notwithstanding subsection (3) of section 109 of chapter 2000-141, Laws of Florida, for areas of the state which are not within the high-velocity hurricane zone, the Florida Building Commission, upon updating the Florida Building Code, shall adopt, pursuant to section 553.73, Florida Statutes, the most current edition of the wind-protection requirements of the American Society of Civil Engineers, Standard 7, as implemented by the International Building Code. This section is intended to explicitly supersede only the first sentence of subsection (3) of section 109 of chapter 2000-141, Laws of Florida.*

And the title is amended as follows:

On page 1, lines 3-8, delete those lines and insert: of the Florida Building Code; providing for the adoption into the Florida Building Code of certain wind-protection standards applicable to areas outside the high-velocity hurricane zone; providing an appropriation;

On motion by Senator Lynn, further consideration of **CS for SB 1232** as amended with pending **Amendment 2 (091450)** was deferred.

On motion by Senator Bennett—

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.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1702** was placed on the calendar of Bills on Third Reading.

RECESS

On motion by Senator Pruitt, the Senate recessed at 12:24 p.m. to reconvene at 1:30 p.m. or upon call of the President.

AFTERNOON SESSION

The Senate was called to order by the President at 1:52 p.m. A quorum present—39:

| | | |
|---------------|---------------------|------------|
| Mr. President | Diaz de la Portilla | Miller |
| Alexander | Dockery | Peadar |
| Argenziano | Fasano | Posey |
| Aronberg | Garcia | 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 |

SPECIAL ORDER CALENDAR, continued

On motion by Senator Alexander, by two-thirds vote **HB 853** was withdrawn from the Committee on Transportation.

On motion by Senator Alexander—

HB 853—A bill to be entitled An act relating to motor vehicle lease agreements; amending s. 521.004, F.S.; revising retail lessor disclosure requirements; revising requirement for copies of certain documents to be provided to the lessee; providing an effective date.

—a companion measure, was substituted for **SB 1356** and read the second time by title.

Pursuant to Rule 4.19, **HB 853** was placed on the calendar of Bills on Third Reading.

SENATOR CARLTON PRESIDING

On motion by Senator Miller—

CS for SB 1498—A bill to be entitled An act relating to the Lead Poisoning Prevention Screening and Education Act; providing a popular name; providing legislative findings; providing definitions; providing for the establishment of a statewide comprehensive educational program on lead poisoning prevention; providing for a public information initiative; providing for distribution of literature about childhood lead poisoning; requiring the establishment of a screening program for early identification of persons at risk of elevated levels of lead in the blood; providing for screening of children; providing for prioritization of screening; providing for the maintenance of records of screenings; providing for reporting of cases of lead poisoning; providing an appropriation; providing contingencies for appropriation; providing effective dates.

—was read the second time by title.

Senator Miller moved the following amendment which was adopted:

Amendment 1 (255792)—On page 8, lines 13 and 14, delete those lines and insert: *effect only upon the Department of Health receiving federal lead poisoning prevention funds of \$1 million or greater.*

Pursuant to Rule 4.19, **CS for SB 1498** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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

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.

—which was previously considered and amended this day.

Pursuant to Rule 4.19, **CS for CS for SB 2236** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Smith—

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.

—was read the second time by title.

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

Amendment 1 (352146)(with title amendment)—On page 87, between lines 7 and 8, insert:

Section 50. Subsection (1) of section 318.32, Florida Statutes, is amended to read:

318.32 Jurisdiction; limitations.—

(1) Hearing officers shall be empowered to accept pleas from and decide the guilt or innocence of any person, adult or juvenile, charged with any civil traffic infraction and shall be empowered to adjudicate or withhold adjudication of guilt in the same manner as a county court judge under the statutes, rules, and procedures presently existing or as subsequently amended, except that hearing officers shall not:

(a) Have the power to hold a defendant in contempt of court, but shall be permitted to file a motion for order of contempt with the appropriate state trial court judge;

- (b) Hear a case involving a crash resulting in injury or death; or
- (c) Hear a criminal traffic offense case or a case involving a civil traffic infraction issued in conjunction with a criminal traffic offense; or
- (d) *Have the power to suspend a defendant's driver's license pursuant to s. 316.655(2).*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 10, line 13, after the semicolon (;) insert: amending s. 318.32, F.S.; prohibiting a hearing officer from suspending a defendant's driver's license;

Senator Bennett moved the following amendment:

Amendment 2 (823556)(with title amendment)—On page 89, between lines 26 and 27, insert:

Section 52. Section 938.19, Florida Statutes, is amended to read:

938.19 Teen courts.—

(1) *Notwithstanding s. 318.121, in each county in which a teen court has been created, the board of county commissioners may adopt a mandatory cost to be assessed in specific cases by incorporating by reference the provisions of this section in a county ordinance. Assessments collected by the clerk of the circuit court under this subsection shall be deposited into an account specifically for the operation and administration of the teen court.*

(2) *A sum of up to \$3 shall be assessed as a court cost in the circuit and county court in the county against each person who pleads guilty or nolo contendere to, or is convicted of, regardless of adjudication, a violation of a criminal law or a municipal ordinance or county ordinance or who pays a fine or civil penalty for any violation of chapter 316. Any person whose adjudication is withheld under s. 318.14(9) or (10) shall also be assessed the cost.*

(3) *The assessment for court costs shall be assessed in addition to any fine or civil penalty or other court cost and may not be deducted from the proceeds of that portion of any fine or civil penalty which is received by a municipality in the county or by the county in accordance with ss. 316.660 and 318.21. The assessment shall be specifically added to any civil penalty paid for a violation of chapter 316, regardless of whether the penalty is paid by mail, paid in person without request for a hearing, or paid after hearing and determination by the court. However, the assessment may not be made against a person for a violation of any state law, county ordinance, or municipal ordinance relating to the parking of vehicles, with the exception of a violation of the handicapped parking laws.*

(4)(a) *The clerk of the circuit court shall collect the assessments for court costs established in this section and shall remit the assessments to the teen court monthly.*

(b) *The clerk of the circuit court shall withhold 5 percent of the assessments collected, which shall be retained as fee income of the office of the clerk of the circuit court.*

(5) *A teen court that receives the cost assessments established by the adopted county ordinance must account for all funds that have been deposited into the designated account in a written report to the board of county commissioners. The report must be given to the commissioners by August 1 of each year or by a date required by the commissioners.*

(6) *A teen court may be administered by a nonprofit organization, a law enforcement agency, the court administrator, the clerk of the court, or another similar agency authorized by the board of county commissioners.*

(7) *A teen court administered in a county that adopts an ordinance to assess court costs under this section may not receive court costs collected under s. 939.185(1)(a)4. ~~Counties are hereby authorized to fund teen courts.~~*

Section 53. Paragraph (a) of subsection (1) of section 939.185, Florida Statutes, is amended to read:

939.185 Assessment of additional court costs.—

(1)(a) The board of county commissioners may adopt by ordinance an additional court cost, not to exceed \$65, to be imposed by the court when a person pleads guilty or nolo contendere to, or is found guilty of, any felony, misdemeanor, or criminal traffic offense under the laws of this state. Such additional assessment shall be accounted for separately by the county in which the offense occurred and be used only in the county imposing this cost, to be allocated as follows:

1. Twenty-five percent of the amount collected shall be allocated to fund innovations to supplement state funding for the elements of the state courts system identified in s. 29.004 and county funding for local requirements under s. 29.008(2)(a)2.

2. Twenty-five percent of the amount collected shall be allocated to assist counties in providing legal aid programs required under s. 29.008(3)(a).

3. Twenty-five percent of the amount collected shall be allocated to fund personnel and legal materials for the public as part of a law library.

4. Twenty-five percent of the amount collected shall be used as determined by the board of county commissioners to support teen court programs, *except as provided in s. 938.19(7)*, juvenile assessment centers, and other juvenile alternative programs.

Each county receiving funds under this section shall report the amount of funds collected pursuant to this section and an itemized list of expenditures for all authorized programs and activities. The report shall be submitted in a format developed by the Supreme Court to the Governor, the Chief Financial Officer, the President of the Senate, and the Speaker of the House of Representatives on a quarterly basis beginning with the quarter ending September 30, 2004. Quarterly reports shall be submitted no later than 30 days after the end of the quarter. Any unspent funds at the close of the county fiscal year allocated under subparagraphs 2., 3., and 4., shall be transferred for use pursuant to subparagraph 1.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 10, line 1, after the first semicolon (;) insert: 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;

MOTION

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

Senator Bennett offered the following amendment to **Amendment 2** which was moved by Senator Smith and adopted:

Amendment 2A (054354)—On page 1, line 22, after “commissioners” insert: *or local governing body*

Amendment 2 as amended was adopted.

MOTION

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

Senator Smith moved the following amendments which were adopted:

Amendment 3 (955228)(with title amendment)—On page 13, line 6 through page 14, line 27, delete those lines and insert:

(3) In utilizing a registry:

(a) Each circuit Article V indigent services committee shall compile and maintain a list of attorneys in private practice, by county and by category of cases. *In the eleventh judicial circuit for the 2005-2006 and 2006-2007 fiscal years, the committee shall compile and maintain a list of attorneys by race, sex, and ethnicity of the assigned attorneys.* To be included on a registry, attorneys shall certify that they meet any minimum requirements established in general law for court appointment, are available to represent indigent defendants in cases requiring court appointment of private counsel, and are willing to abide by the terms of the contract for services. *To be included on a registry, an attorney also must enter into a contract for services with the Justice Administrative Commission. Failure to comply with the terms of the contract for services may result in termination of the contract and removal from the registry.* Each attorney on the registry shall be responsible for notifying the circuit Article V indigent services committee and the Justice Administrative Commission of any change in his or her status. Failure to comply with this requirement shall be cause for *termination of the contract for services and removal from the registry until the requirement is fulfilled.*

(b) The court shall appoint attorneys in rotating order in the order in which names appear on the applicable registry, unless the court makes a finding of good cause on the record for appointing an attorney out of order. An attorney not appointed in the order in which his or her name appears on the list shall remain next in order.

(c) If it finds the number of attorneys on the registry in a county or circuit for a particular category of cases is inadequate, the circuit Article V indigent services committee shall notify the chief judge of the particular circuit in writing. The chief judge shall submit the names of at least three private attorneys with relevant experience. The clerk of court shall send an application to each of these attorneys to register for appointment.

(d) ~~Quarterly, beginning no later than October 1, 2004, each circuit Article V indigent services committee shall provide a current copy of each registry to the Chief Justice of the Supreme Court, the chief judge, the state attorney and public defender in each judicial circuit, and the clerk of court in each county, the Justice Administrative Commission, and the Indigent Services Advisory Board with a current copy of each registry.~~ *In the eleventh judicial circuit for the 2005-2006 and 2006-2007 fiscal years, the registry shall identify the race, sex, and ethnicity of each attorney listed in the registry.*

And the title is amended as follows:

On page 1, lines 7-11, delete those lines and insert: revising requirements for private court-appointed counsel; requiring that data be compiled on the race, sex, and ethnicity of attorneys within a specified circuit for a limited time; requiring the

Amendment 4 (022784)(with title amendment)—On page 15, line 27, before the period (.) insert: *, subject to the attorney-client privilege and work product privilege*

And the title is amended as follows:

On page 1, line 19, after the first semicolon (;) insert: authorizing the Justice Administrative Commission to review certain records;

Amendment 5 (091040)—On page 17, lines 20-28, delete those lines and insert:

(3) *Notwithstanding any other provision of this section, a circuit Article V indigent services committee may approve, and the Justice Administrative Commission shall investigate and evaluate the use of funds for, alternate models for the provision of criminal and civil due-process services and representation other than a model based on a per-case fee if a more cost-effective and efficient system can be provided. An alternate model may include court-reporting services and the provision of court-appointed counsel.*

Amendment 6 (420292)(with title amendment)—On page 19, lines 3-6, delete those lines and insert: guardianship.

And the title is amended as follows:

On page 2, lines 2-4, delete those lines and insert: defenders; amending s.

Amendment 7 (450822)—On page 20, lines 30 and 31, delete those lines and insert: *Commission, to be used as appropriated by the Legislature. The*

Amendment 8 (880240)—On page 27, line 13, delete “and (9)” and insert: (9), and (10)

Amendment 9 (953482)(with title amendment)—On page 31, lines 3-9, delete those lines and insert:

(9) *Private court-appointed counsel may not bill for preparation of invoices whether or not the case is paid on the basis of an hourly rate or by flat fee.*

(10) *The Justice Administrative Commission shall develop a schedule to provide partial payment of attorney fees for cases that are not resolved within 6 months. The schedule must provide that the aggregate payments shall not exceed limits established by law. Any partial payment made pursuant to this subsection shall not exceed the actual value of services provided to date. Any partial payment shall be proportionate to the value of services provided based on payment rates included in the contract, not to exceed any limit provided by law.*

And the title is amended as follows:

On page 3, lines 13 and 14, delete those lines and insert:

restricting the reimbursement allowed for the preparation of invoices; requiring the Justice Administrative Commission to develop a schedule to provide partial payment for attorney fees under certain circumstances; amending s. 27.54,

Amendment 10 (772220)(with title amendment)—On page 39, line 20 through page 40, line 9, delete those lines and insert:

Section 7. Paragraph (a) of subsection (1) and subsection (2) of section 28.2402, Florida Statutes, are amended to read:

28.2402 Cost recovery; use of the circuit court for ordinance or special law violations.—

(1)(a) In lieu of payment of a filing fee under s. 28.241, a filing fee of \$10 shall be paid by a county or municipality when filing a county or municipal ordinance violation or violation of a special law in circuit court. This fee shall be paid to the clerk of the court for performing court-related functions. *A county or municipality is not required to pay more than one filing fee for a single filing against a single defendant which contains multiple alleged violations. A filing fee, other than that imposed under this section, may not be assessed for initiating an enforcement proceeding in circuit court for a violation of a county or municipal code or ordinance or a violation of a special law. The filing fee does not apply to instances in which a county or a municipality has contracted with the state, or has been delegated by the state, responsibility for enforcing state operations, policies, or requirements under s. 125.69, s. 166.0415, or chapter 162.*

(2) To offset costs incurred by the clerks of the court in performing court-related functions associated with the processing of violations of special laws and municipal ordinances, 10 percent of the total amount of fines paid to each municipality for special law or ordinance violations filed in circuit court shall be retained by the clerk of the court for deposit into the clerk’s fine and forfeiture fund established pursuant to s. 142.01, except for fines a portion of which the clerk of the court retains pursuant to any other provision of state law. *A municipality does not include the unincorporated areas, if any, of a government created pursuant to s. 6(e), Art. VIII of the State Constitution.*

And the title is amended as follows:

On page 4, line 1, after the first semicolon (;) insert: *excluding unincorporated areas of certain consolidated governments from the term “municipality” for purposes of sharing with the clerk certain fines from local ordinance violations;*

Amendment 11 (555486)(with title amendment)—On page 40, line 10 through page 41, line 10, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 4, lines 1-3, delete those lines and insert: *fee; amending s.*

Amendment 12 (914046)(with title amendment)—On page 59, line 26 through page 60, line 9, delete those lines and insert:

filing against a single defendant which contains multiple alleged violations. A filing fee, other than that imposed under this section, may not be assessed for initiating an enforcement proceeding in county court for a violation of a county or municipal code or ordinance or a violation of a special law. The filing fee does not apply to instances in which a county or a municipality has contracted with the state, or has been delegated by the state, responsibility for enforcing state operations, policies, or requirements under s. 125.69, s. 166.0415, or chapter 162.

And the title is amended as follows:

On page 6, delete line 21 and insert: *enforcement actions*

Amendment 13 (632892)(with title amendment)—On page 61, lines 6-19, delete those lines and insert:

(2) All fines and forfeitures received from violations of municipal ordinances committed within a municipality within the territorial jurisdiction of the county court, other than the charge provided in s. 318.1215, shall be paid monthly to the municipality except as provided in s. 28.2402(2), s. 34.045(2), s. 318.21, or s. 943.25. *For purposes of this section, a municipality does not include the unincorporated areas, if any, of a government created pursuant to s. 6(e), Art. VIII of the State Constitution.*

And the title is amended as follows:

On page 6, lines 25-31, delete those lines and insert: *filing fee; amending s. 34.191, F.S.; excluding certain consolidated governments from the term municipality for purposes of remitting certain fines and forfeitures; amending s. 39.0132, F.S.;*

Amendment 14 (355204)(with title amendment)—On page 74, line 11 through page 75, line 5, delete those lines and insert:

(5) *PROCESSING CHARGE; PAYMENT PLANS.—A person who the clerk or the court determines is indigent for civil proceedings under this section shall be enrolled in a payment plan under s. 28.246 and shall be charged a one-time administrative processing charge under s. 28.24(26)(c). A monthly payment amount, calculated based upon all fees and all anticipated costs, is presumed to correspond to the person’s ability to pay if it does not exceed 2 percent of the person’s annual net income, as defined in subsection (1), divided by 12. The person may seek review of the clerk’s decisions regarding a payment plan established under s. 28.246 in the court having jurisdiction over the matter. A case may not be impeded in any way, delayed in filing, or delayed in its progress, including the final hearing and order, due to nonpayment of any fees by an indigent person.*

And the title is amended as follows:

On page 8, lines 15 and 16, delete those lines and insert: *determined indigent;*

Amendment 15 (551018)(with title amendment)—On page 84, line 13, after the second period (.) insert: *Up to 25 percent of the revenue from such surcharge may be used to support local law libraries provided that the county or unit of local government provides a level of service equal to that provided prior to July 1, 2004, which shall include the continuation of library facilities located in or near the county courthouse or annexes.*

And the title is amended as follows:

On page 10, line 1, after the second semicolon (;) insert: *authorizing a portion of certain surcharge revenues to be used for local law libraries;*

Amendment 16 (154338)(with title amendment)—On page 86, line 2, after the period (.) insert: *Proceeds from the imposition of the surcharge authorized in this subsection shall not be used for the purpose of securing payment of the principal and interest on bonds. This subsection, and any surcharge imposed pursuant to this subsection, shall stand repealed on September 30, 2007.*

And the title is amended as follows:

On page 10, line 6, after the semicolon (;) insert: restricting the use of surcharge proceeds;

Amendment 17 (835118)(with title amendment)—On page 86, lines 19-27, delete those lines and insert:

3. If the violation occurred within the unincorporated area of a county, *including the unincorporated areas, if any, of a government created pursuant to s. 6(e), Art. VIII of the State Constitution*, that is not within a special improvement district of the Seminole Indian Tribe or Miccosukee Indian Tribe, 56.4 percent shall be deposited into the fine and forfeiture fund established pursuant to s. 142.01.

And the title is amended as follows:

On page 10, lines 10 and 11, delete those lines and insert: consolidated governments; amending s. 318.31, F.S.; deleting

Amendment 18 (105916)(with title amendment)—On page 93, between lines 25 and 26, insert:

(11) *Upon remission of bond pursuant to this section, the clerk of the circuit court shall withhold any unpaid fines, fees, service charges, and court costs imposed as a matter of law or ordered by the court.*

And the title is amended as follows:

On page 11, line 2, after the semicolon (;) insert: authorizing the clerk to withhold unpaid fines, fees, costs, and charges under certain circumstances;

Amendment 19 (235370)(with title amendment)—On page 100, line 20, after the period (.) insert: *Proceeds from the imposition of the surcharge authorized in this subsection shall not be used for the purpose of securing payment of the principal and interest on bonds. This subsection, and any surcharge imposed pursuant to this subsection, shall stand repealed on September 30, 2007.*

And the title is amended as follows:

On page 11, line 16, after the first semicolon (;) insert: restricting the use of surcharge proceeds;

Amendment 20 (270292)—On page 102, lines 4-14, delete those lines

Amendment 21 (215962)(with title amendment)—On page 102, line 15 through page 103, line 7, delete those lines and insert:

Section 61. Subsection (2) of section 985.05, Florida Statutes, is amended, and subsection (5) is added to that section, to read:

985.05 Court records.—

(2) The clerk shall keep all official records required by this section separate from other records of the circuit court, except those records pertaining to motor vehicle violations, which shall be forwarded to the Department of Highway Safety and Motor Vehicles. Except as provided in ss. 943.053 and 985.04(4), official records required by this part are not open to inspection by the public, but may be inspected only upon order of the court by persons deemed by the court to have a proper interest therein, except that a child and the parents, guardians, or legal custodians of the child and their attorneys, law enforcement agencies, the Department of Juvenile Justice and its designees, the Parole Commission, and the Department of Corrections, and the Justice Administrative Commission shall always have the right to inspect and copy any official record pertaining to the child. The court may permit authorized representatives of recognized organizations compiling statistics for proper purposes to inspect, and make abstracts from, official records under whatever conditions upon the use and disposition of such records the court may deem proper and may punish by contempt proceedings any violation of those conditions.

(5) *This part does not prohibit a circuit court from providing a restitution order containing the information prescribed in s. 985.201(4)(c) to collection court or a private collection agency for the sole purpose of collecting unpaid restitution ordered in a case in which the circuit court has retained jurisdiction over the child and the child's parent or legal guardian. The collection court or private collection agency shall maintain the confidential status of the information to the extent such confidentiality is provided by law.*

And the title is amended as follows:

On page 11, line 26, after the semicolon (;) insert: authorizing circuit courts to share certain juvenile delinquency restitution orders;

Amendment 22 (305464)(with title amendment)—On page 105, lines 11-21, delete those lines and insert:

Section 66. *It is the intent of the Legislature that the amendments made by this act to sections 28.2402(2), 34.191, and 318.21, Florida Statutes, are remedial. It is the further intent of the Legislature that fines and forfeitures or civil penalties arising from offenses or violations committed or occurring within an unincorporated area of a government created under section 6(e), Article VIII of the State Constitution be paid or deposited for Fiscal Year 2004-2005 as provided in sections 28.2402(2), 34.191, and 318.21, Florida Statutes, as those sections are amended by this act. The section shall take effect upon becoming a law.*

And the title is amended as follows:

On page 12, delete line 15 and insert: ss. 28.2402(2), 34.191, and 318.21, F.S.; repealing s.

Amendment 23 (230070)(with title amendment)—On page 46, lines 4-30, delete those lines and insert:

(6) *The legislature budget commission may approve adjustments to the clerk's maximum annual budget for court-related duties if either of the following conditions exist:*

(a) *The additional funding is necessary to pay the cost of performing new or additional functions required by changes in law or court rule. Before the maximum annual budget of any clerk can be increased, the Clerk of the Court corporation shall provide the legislative budget commission a statement of the impact of the proposed budget changes on state revenues, and evidence that the respective clerk of the court is meeting or exceeding the established performance standards for measures on the fiscal management, operational efficiency, and effective collection of fines, fees, service charges, and court costs.*

(b) *The additional funding is necessary to pay the cost of supporting increases in the number of judges or magistrates authorized by the Legislature. Before the maximum annual budget of any clerk can be increased. The Clerk of the Court Corporation shall provide the legislative budget commission a statement of the impact of the proposed budget changes on state revenues, evidence that the respective clerk of the court is meeting or exceeding the established performance standards for measures on the fiscal management, operational efficiency, and effective collection of fines, fees, service charges, and court costs, and a proposed staffing model, including the cost and number of staff necessary to support each new judge or magistrate.*

And the title is amended as follows:

On page 4, line 29 through page 5, line 1, delete those lines and insert: of Court Trust Fund; authorizing legislative budget commission to approve adjustments to the clerk's budget for court-related duties under certain conditions;

MOTION

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

Senator Campbell moved the following amendment which was adopted:

Amendment 24 (124740)(with title amendment)—On page 68, between lines 17 and 18, insert:

Section 33. Subsection (3) of section 44.103, Florida Statutes, is amended to read:

44.103 Court-ordered, nonbinding arbitration.—

(3) Arbitrators shall be selected and compensated in accordance with rules adopted by the Supreme Court. Arbitrators shall be compensated by the parties, or, upon a finding by the court that a party is indigent, an arbitrator may be partially or fully compensated from state funds according to the party's present ability to pay. *At no time may an arbitrator charge more than \$1,500 per diem, unless the parties agree otherwise.*

Prior to approving the use of state funds to reimburse an arbitrator, the court must ensure that the party reimburses the portion of the total cost that the party is immediately able to pay and that the party has agreed to a payment plan established by the clerk of the court that will fully reimburse the state for the balance of all state costs for both the arbitrator and any costs of administering the payment plan and any collection efforts that may be necessary in the future. Whenever possible, qualified individuals who have volunteered their time to serve as arbitrators shall be appointed. If an arbitration program is funded pursuant to s. 44.108, volunteer arbitrators shall be entitled to be reimbursed pursuant to s. 112.061 for all actual expenses necessitated by service as an arbitrator.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 7, line 28, after the semicolon (;) insert: amending s. 44.103, F.S.; limiting the amount of per diem expenses that an arbitrator may charge;

Pursuant to Rule 4.19, **CS for CS for SB 2542** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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

HB 497—A bill to be entitled An act relating to highway safety; creating the Anjelica and Victoria Velez Memorial Traffic Safety Act; amending s. 316.650, F.S.; requiring traffic citation forms to include a check box indicating a failure to stop at a traffic signal; amending s. 318.18, F.S.; revising the penalty for a moving violation of a traffic control signal steady red indication and of a traffic control device when a driver fails to stop at a traffic signal; providing for distribution of moneys collected; amending s. 318.21, F.S.; providing for distribution of specified civil penalties; amending s. 322.0261, F.S.; requiring the Department of Highway Safety and Motor Vehicles to identify a person who has committed a second moving violation of a traffic control signal steady red indication or of a traffic control device within a specified time period and require such person to complete a driver improvement course; providing for cancellation of license for failure to complete said course within a specified time period; amending s. 322.27, F.S.; assigning a point value for the conviction of a moving violation of a traffic control signal steady red indication or of a traffic control device; creating s. 395.4036, F.S.; providing for distribution of funds to trauma centers; authorizing trauma centers to request that such funds be used as intergovernmental transfer funds in the Medicaid program; providing for audits and attestations; providing an appropriation; providing an effective date.

—which was previously considered this day.

Pursuant to Rule 4.19, **HB 497** was placed on the calendar of Bills on Third Reading.

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

CS for SB 1232—A bill to be entitled An act relating to wind-protection provisions of the Florida Building Code; amending ch. 2000-141, Laws of Florida; providing for removal of outdated wind-protection standards from the Florida Building Code; providing for an update of the code's wind-protection standards; providing an appropriation; providing for incorporation in the Florida Building Code of the repeal of a design option relating to internal pressure for buildings within the windborne debris region; requiring the Florida Building Commission to make recommendations to the Legislature; providing an effective date.

—which was previously considered and amended this day. Pending **Amendment 2 (091450)** by Senator Lynn was withdrawn.

Pending further consideration of **CS for SB 1232** as amended, on motion by Senator Lynn, by two-thirds vote **HB 835** was withdrawn from the Committees on Community Affairs; and Regulated Industries.

On motion by Senator Lynn—

HB 835—A bill to be entitled An act relating to wind-protection provisions of the Florida Building Code; requiring the commission to adopt

certain wind protection requirements for areas of the state not within the high velocity hurricane zone; providing construction; providing for incorporation into the Florida Building Code of the repeal of a design option relating to internal pressure for buildings within the windborne debris region; providing an appropriation for a joint program to educate contractors for certain purposes; requiring the commission to review damage from Hurricane Ivan and make recommendations to the Legislature for changes to the Florida Building Code, especially relating to certain areas; requiring a report; directing the commission to evaluate the definition of the term “exposure category C” and recommend a revision to accurately reflect certain conditions specific to the state; providing an effective date.

—a companion measure, was substituted for **CS for SB 1232** as amended and read the second time by title.

MOTION

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

Senator Lynn moved the following amendment which was adopted:

Amendment 1 (100090)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (3) of section 109 of chapter 2000-141, Laws of Florida, is amended to read:

Section 109. The Legislature has reviewed the Florida Building Code that was adopted by action of the Florida Building Commission on February 15, 2000, and that was noticed for rule adoption by reference in Rule 9B-3.047, F.A.C., on February 18, 2000, in the Florida Administrative Weekly on page 731. The Florida Building Commission is directed to continue the process to adopt the code, pursuant to section 120.54(3), Florida Statutes, and to incorporate the following provisions or standards for the State of Florida:

(3) For areas of the state not within the high velocity hurricane zone, the commission shall adopt, pursuant to s. 553.73, Florida Statutes, the *most current edition of the wind protection requirements of the American Society of Civil Engineers, Standard 7, 1998 edition as implemented by the International Building Code, 2000 edition, and as modified by the commission in its February 15, 2000, adoption of the Florida Building Code for rule adoption by reference in Rule 9B-3.047, Florida Administrative Code.* However, from the eastern border of Franklin County to the Florida-Alabama line, only land within 1 mile of the coast shall be subject to the windborne-debris requirements adopted by the commission. The exact location of wind speed lines shall be established by local ordinance, using recognized physical landmarks such as major roads, canals, rivers, and lake shores, wherever possible. Buildings constructed in the windborne debris region must be either designed for internal pressures that may result inside a building when a window or door is broken or a hole is created in its walls or roof by large debris, or be designed with protected openings. Except in the high velocity hurricane zone, local governments may not prohibit the option of designing buildings to resist internal pressures.

Section 2. *Notwithstanding any other provision of this act, the option for designing for internal pressure for buildings within the windborne debris region shall be repealed immediately upon adoption of standards and conditions within the International Building Code or International Residential Code prohibiting such design option. The Florida Building Commission shall initiate rulemaking to incorporate such standards and conditions prohibiting designing for internal pressure for buildings into the Florida Building Code when the base code is updated.*

Section 3. *The Legislature appropriates, for fiscal year 2005-2006 only, \$200,000 from the Insurance Regulatory Trust Fund to the Department of Financial Services to be used to develop a joint program between the Florida Insurance Council and the Florida Home Builders Association to educate contractors on the benefits and options available for designing buildings for windborne debris protection and to develop a standardized affidavit to be used for verifying the insurance discounts for residential construction techniques demonstrated to reduce the amount of loss during a windstorm.*

Section 4. *The Florida Building Commission, in conjunction with local building officials, shall conduct a review of damage resulting from*

Hurricane Ivan and any other data to evaluate, and to make recommendations to the Legislature for any changes to, Florida's Building Code, specifically as it applies to the region from the eastern border of Franklin County to the Florida-Alabama line. The commission shall issue a report summarizing its findings and recommendations prior to the 2006 Regular Session.

Section 5. *The Florida Building Commission shall evaluate the definition of "exposure category C" as currently defined in section 553.71(10), Florida Statutes, and make recommendations for a new definition that more accurately depicts Florida-specific conditions prior to the 2006 Regular Session.*

Section 6. 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 wind-protection provisions of the Florida Building Code; amending ch. 2000-141, Laws of Florida; providing for removal of outdated wind-protection standards from the Florida Building Code; providing for an update of the code's wind-protection standards; providing an appropriation; providing for incorporation in the Florida Building Code of the repeal of a design option relating to internal pressure for buildings within the windborne debris region; requiring the Florida Building Commission to make recommendations to the Legislature; providing an effective date.

Pursuant to Rule 4.19, **HB 835** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Rich—

CS for CS for SB 428—A bill to be entitled An act relating to developmental disabilities; amending s. 409.912, F.S.; requiring the Agency for Health Care Administration to develop a model waiver program to serve children with specified disorders; requiring the agency to seek federal waiver approval and implement the approved waiver subject to availability of funds and certain limitations; authorizing rules; providing an appropriation; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 428** was placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano—

CS for SB 1354—A bill to be entitled An act relating to sexual offenders; amending ss. 947.005 and 948.001, F.S.; defining terms; amending ss. 947.1405 and 948.30, F.S.; prohibiting a sex offender from having contact with a child younger than 18; providing an exception; providing that the Parole Commission or a court may approve a sex offender having supervised contact with a child younger than 18 under specified conditions; directing the Department of Health to prepare and maintain a list of "qualified practitioners"; requiring a court and the commission to use qualified practitioners on the department list to prepare risk assessments; specifying that qualified practitioners must meet the rule requirements specified by their respective licensing boards; prohibiting a sex offender from accessing or using the Internet or other computer services without an approved safety plan; reenacting s. 775.21(3)(b), F.S., relating to the threat to public safety by sexual offenders, to incorporate the amendments made to s. 947.1405, F.S., in a reference thereto; providing an effective date.

—was read the second time by title.

Senator Fasano moved the following amendment which was adopted:

Amendment 1 (825886)—On page 13, lines 27-29, delete those lines and insert: working for pay or as a volunteer at any school, day care center, park, playground, or other place where children regularly congregate, including, but not limited to, schools, day care centers, parks, playgrounds, pet stores, libraries, zoos, theme parks, and malls.

Pursuant to Rule 4.19, **CS for SB 1354** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Atwater, by two-thirds vote **HB 897** was withdrawn from the Committees on Banking and Insurance; and Judiciary.

On motion by Senator Atwater—

HB 897—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"; 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; 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.; removing a prohibition on a trustee's power to make certain adjustments; specifying a circumstance under which an adjustment shall not be deemed to benefit the trustee; providing application of section to administration of certain trusts; conforming cross references; amending s. 738.1041, F.S.; providing and revising definitions; providing methods by which a trustee may make certain changes to trusts; removing requirements regarding certain minimum unitrust amounts; removing a spouse's right to compel reconversion of certain trusts; providing remedies for trustees or disinterested persons not acting in good faith; expanding scope of section to trusts administered either in this state or under Florida law; authorizing a grantor to create an express total return unitrust; requiring certain provisions to be included in an express total return unitrust; amending s. 738.303, F.S.; redefining the term "undistributed income"; amending s. 738.401, F.S., relating to character of receipts; providing certain statements that a trustee may rely upon; providing special rules to apply to receipts by private trustees from certain entities; providing definitions; providing an effective date.

—a companion measure, was substituted for **CS for SB 1688** and read the second time by title.

Pursuant to Rule 4.19, **HB 897** was placed on the calendar of Bills on Third Reading.

On motion by Senator Constantine—

CS for CS for SB 2232—A bill to be entitled An act relating to telecommunications; amending s. 364.01, F.S.; specifying the exclusive jurisdiction of the Florida Public Service Commission to regulate telecommunications companies; providing that state laws governing business and consumer protection be applied to communications activities that are not regulated by the commission; revising provisions governing the exclusive jurisdiction of the commission; creating s. 364.011, F.S.; specifying certain services that are exempt from oversight by the commission; creating s. 364.012, F.S.; requiring the commission to coordinate with federal agencies; providing that ch. 364, F.S., does not limit or modify certain duties of a local exchange carrier; creating s. 364.013, F.S.; requiring that broadband service remain free of state and local regulation; requiring that voice-over-Internet protocol remain free of regulation, except as specifically provided in ch. 364, F.S., or by federal law; amending s. 364.02, F.S.; defining the terms "broadband service" and "VoIP"; redefining the term "service"; amending s. 364.0361, F.S.; prohibiting a local government from regulating voice-over-Internet protocol regardless of the platform or provider; amending s. 364.10, F.S.; revising the income threshold for eligibility for Lifeline service; repealing s. 364.502, F.S., relating to video programming services; amending s. 364.335, F.S.; increasing to \$500 from \$250 the maximum allowable filing fee for certification of telecommunications carriers; amending s. 364.336, F.S.; authorizing the Public Service Commission to establish a minimum fee of up to \$1,000; authorizing different fees for different types of services provided by telecommunications companies; amending ss. 196.012, 199.183, 212.08, 290.007, 350.0605, 364.602, and 489.103, F.S.; conforming cross-references; requiring providers to comply with certain laws; amending s. 364.051, F.S.; providing that damage to the equipment and facilities of a local exchange telecommunications as a result of a named tropical system constitutes a compelling showing of changed circumstances to justify a rate increase; allowing such companies to petition for recovery of such costs and expenses; requiring the Public Service Commission to verify the intrastate costs and expenses for repairing, restoring, or replacing damaged lines, plants, or facilities; requiring the commission to determine whether the intrastate costs and

expenses are reasonable; requiring a company to exhaust any storm-reserve funds prior to recovery from customers; providing that the commission may authorize adding an equal line-item charge per access line for certain customers; providing for a rate cap and providing the maximum number of months the rate may be imposed; providing a 12-month limit for the application; allowing recovery for more than one storm within the limit; providing an effective date.

—was read the second time by title.

Senator Constantine moved the following amendments which were adopted:

Amendment 1 (852680)—On page 11, line 31 through page 12, line 2, delete those lines and insert: provision of any *voice-over-Internet-protocol, regardless of the provider, platform, or protocol*, broadband or information service. This section does not relieve a provider from any

Amendment 2 (551150)—On page 22, lines 9 and 10, delete those lines and insert: *state, or local law, including, but not limited to, 47 U.S.C. 541, s. 166.046 and s. 337.401.*

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 failed:

Amendment 3 (853282)(with title amendment)—On page 22, line 11 through page 24, line 20, delete section 19 and renumber subsequent section.

And the title is amended as follows:

On page 2, line 13 through page 3, line 5, delete those lines and insert: providers to comply with certain laws; providing an effective date.

MOTION

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

Senator Fasano moved the following amendments which were adopted:

Amendment 4 (725736)(with title amendment)—On page 24, lines 21 and 22, delete those lines and insert:

Section 20. *Committee on Public Service Commission Oversight; creation; membership; powers and duties.*—

(1) *There is created a standing joint committee of the Legislature, designated the Committee on Public Service Commission Oversight, and composed of twelve members appointed as follows: six members of the Senate appointed by the President of the Senate, two of whom must be members of the minority party; and six members of the House of Representatives appointed by the Speaker of the House of Representatives, two of whom must be members of the minority party. The terms of members shall be for 2 years and shall run from the organization of one Legislature to the organization of the next Legislature. The President shall appoint the chair of the committee in even years and the vice chair in odd years, and the Speaker of the House of Representatives shall appoint the chair of the committee in odd years and the vice chair in even years, from among the committee membership. Vacancies shall be filled in the same manner as the original appointment. Members shall serve without additional compensation, but shall be reimbursed for expenses.*

(2) *The committee shall be governed by joint rules of the Senate and the House of Representatives which shall remain in effect until repealed or amended by concurrent resolution.*

(3) *The committee shall:*

(a) *Recommend to the Governor a nominee to fill a vacancy on the Public Service Commission, as provided by general law; and*

(b) *Appoint a Public Counsel as provided by general law.*

(4) *The committee is authorized to file a complaint with the Commission on Ethics alleging a violation of this chapter by a commissioner, former commissioner, former commission employee, or member of the Public Service Commission Nominating Council.*

(5) *The committee will not have a permanent staff, but the President of the Senate and the Speaker of the House of Representatives shall select staff members from among existing legislative staff, when and as needed.*

Section 21. Section 350.001, Florida Statutes, is amended to read:

350.001 Legislative intent.—The Florida Public Service Commission has been and shall continue to be an arm of the legislative branch of government. *The Public Service Commission shall perform its duties independently. The Legislature declares and determines that the Public Service Commission is under the legislative branch of government within the intent expressed in chapter 216. The Executive Office of the Governor or its successor is not authorized to release or withhold funds appropriated to the Public Service Commission, but the Committee on Public Service Commission Oversight shall release or withhold funds appropriated to the Public Service Commission as provided by law and the rules or decisions of the Committee on Public Service Commission Oversight. The Executive Office of the Governor, the Department of Management Services, or any successor may not determine the number, or fix the compensation, of employees of the Public Service Commission and may not exercise any manner of control over the employees of the Public Service Commission.* It is the desire of the Legislature that the Governor participate in the appointment process of commissioners to the Public Service Commission. The Legislature accordingly delegates to the Governor a limited authority with respect to the Public Service Commission by authorizing him or her to participate in the selection of members only ~~from the list provided by the Florida Public Service Commission Nominating Council~~ in the manner prescribed by s. 350.031.

Section 22. Section 350.031, Florida Statutes, is amended to read:

350.031 Florida Public Service Commission Nominating Council.—

(1) There is created a Florida Public Service Commission Nominating Council consisting of nine members. At least one member of the council must be 60 years of age or older. Three members, including one member of the House of Representatives, shall be appointed by and serve at the pleasure of the Speaker of the House of Representatives; three members, including one member of the Senate, shall be appointed by and serve at the pleasure of the President of the Senate; and three members shall be selected and appointed by a majority vote of the other six members of the council. All terms shall be for 4 years except those members of the House and Senate, who shall serve 2-year terms concurrent with the 2-year elected terms of House members. Vacancies on the council shall be filled for the unexpired portion of the term in the same manner as original appointments to the council. A member may not be reappointed to the council, except for a member of the House of Representatives or the Senate who may be appointed to two 2-year terms or a person who is appointed to fill the remaining portion of an unexpired term.

(2)(a) No member or spouse shall be the holder of the stocks or bonds of any company, other than through ownership of shares in a mutual fund, regulated by the commission, or any affiliated company of any company regulated by the commission, or be an agent or employee of, or have any interest in, any company regulated by the commission or any affiliated company of any company regulated by the commission, or in any firm which represents in any capacity either companies which are regulated by the commission or affiliates of companies regulated by the commission. As a condition of appointment to the council, each appointee shall affirm to the Speaker and the President his or her qualification by the following certification: "I hereby certify that I am not a stockholder, other than through ownership of shares in a mutual fund, in any company regulated by the commission or in any affiliate of a company regulated by the commission, nor in any way, directly or indirectly, in the employment of, or engaged in the management of any company regulated by the commission or any affiliate of a company regulated by the commission, or in any firm which represents in any capacity either companies which are regulated by the commission or affiliates of companies regulated by the commission."

This certification is made as condition to appointment to the Florida Public Service Commission Nominating Council.

(b) A member of the council may be removed by the Speaker of the House of Representatives and the President of the Senate upon a finding by the Speaker and the President that the council member has violated any provision of this subsection or for other good cause.

(c) If a member of the council does not meet the requirements of this subsection, the President of the Senate or the Speaker of the House of Representatives, as appropriate, shall appoint a legislative replacement.

(3) A majority of the membership of the council may conduct any business before the council. All meetings and proceedings of the council shall be staffed by the Office of Legislative Services and shall be subject to the provisions of ss. 119.07 and 286.011. Members of the council are entitled to receive per diem and travel expenses as provided in s. 112.061, which shall be funded by the Florida Public Service Regulatory Trust Fund. Applicants invited for interviews before the council may, in the discretion of the council, receive per diem and travel expenses as provided in s. 112.061, which shall be funded by the Florida Public Service Regulatory Trust Fund. The council shall establish policies and procedures to govern the process by which applicants are nominated.

(4) *The council may spend a nominal amount, not to exceed \$10,000, to advertise a vacancy on the council, which shall be funded by the Florida Public Service Regulatory Trust Fund.*

(5)(4) A person may not be nominated to the *Committee on Public Service Commission Oversight* ~~Governor~~ until the council has determined that the person is competent and knowledgeable in one or more fields, which shall include, but not be limited to: public affairs, law, economics, accounting, engineering, finance, natural resource conservation, energy, or another field substantially related to the duties and functions of the commission. The commission shall fairly represent the above-stated fields. Recommendations of the council shall be nonpartisan.

(6)(5) It is the responsibility of the council to nominate to the *Committee on Public Service Commission Oversight* ~~Governor~~ not fewer than three persons for each vacancy occurring on the Public Service Commission. The council shall submit the recommendations to the *committee* ~~Governor~~ by *August 1* ~~October 1~~ of those years in which the terms are to begin the following January, or within 60 days after a vacancy occurs for any reason other than the expiration of the term.

(7)(6) *The Committee on Public Service Commission Oversight* ~~Governor~~ shall select from the list of nominees provided by the nominating council one nominee for recommendation to the Governor for appointment to the commission. *The recommendation must be provided to the Governor within 45 days after receipt of the list of nominees. The committee shall make the recommendation fill a vacancy occurring on the Public Service Commission by appointment of one of the applicants nominated by the council only after a background investigation of the recommended nominee such applicant has been conducted by the Florida Department of Law Enforcement. If the Governor rejects the recommendation or has not made an appointment within 30 days after the receipt of the recommendation by December 1 to fill a vacancy for a term to begin the following January, then the council shall immediately initiate the nominating process in accordance with this section. The council shall include in the process all new applicants and all previous applicants for this vacancy. The council must, within 30 days after the Governor's rejection of the previous recommendation or failure to timely make an appointment, submit to the committee a list of no fewer than three persons for each vacancy. The committee must, within 30 days after receipt, select one nominee for recommendation to the Governor for appointment to the commission. If the Governor rejects the recommendation or fails to make an appointment within 30 days after receipt of the recommendation, the council shall immediately initiate the nominating process again with the time periods applicable.* ~~by majority vote, shall appoint by December 31 one person from the applicants previously nominated to the Governor to fill the vacancy. If the Governor has not made the appointment to fill a vacancy occurring for any reason other than the expiration of the term by the 60th day following receipt of the nominations of the council, the council by majority vote shall appoint within 30 days thereafter one person from the applicants previously nominated to the Governor to fill the vacancy.~~

(8)(7) Each appointment to the Public Service Commission shall be subject to confirmation by the Senate *during the next regular session after the vacancy occurs.* If the Senate refuses to confirm or rejects the

Governor's appointment, the council shall initiate, in accordance with this section, the nominating process within 30 days.

Section 23. Subsection (2) of section 350.041, Florida Statutes, is amended to read:

350.041 Commissioners; standards of conduct.—

(2) STANDARDS OF CONDUCT.—

(a) A commissioner may not accept anything from any business entity which, either directly or indirectly, owns or controls any public utility regulated by the commission, from any public utility regulated by the commission, or from any business entity which, either directly or indirectly, is an affiliate or subsidiary of any public utility regulated by the commission. *A commissioner may attend conferences and associated meals and events that are generally available to all conference participants without payment of any fees in addition to the conference fee. Additionally, while attending a conference, a commissioner may attend meetings, meals, or events that are not sponsored, in whole or in part, by any representative of any public utility regulated by the commission and that are limited to commissioners only, committee members, or speakers if the commissioner is a member of a committee of the association of regulatory agencies that organized the conference or is a speaker at the conference. It is not a violation of this paragraph for a commissioner to attend a conference for which conference participants who are employed by a utility regulated by the commission have paid a higher conference registration fee than the commissioner, or to attend a meal or event that is generally available to all conference participants without payment of any fees in addition to the conference fee and that is sponsored, in whole or in part, by a utility regulated by the commission. If, during the course of an investigation by the Commission on Ethics into an alleged violation of this paragraph, allegations are made as to the identity of the person giving or providing the prohibited gift, that person must be given notice and an opportunity to participate in the investigation and relevant proceedings to present a defense. If the Commission on Ethics determines that the person gave or provided a prohibited gift, the person may not appear before the commission or otherwise represent anyone before the commission for a period of 2 years.*

(b) A commissioner may not accept any form of employment with or engage in any business activity with any business entity which, either directly or indirectly, owns or controls any public utility regulated by the commission, any public utility regulated by the commission, or any business entity which, either directly or indirectly, is an affiliate or subsidiary of any public utility regulated by the commission.

(c) A commissioner may not have any financial interest, other than shares in a mutual fund, in any public utility regulated by the commission, in any business entity which, either directly or indirectly, owns or controls any public utility regulated by the commission, or in any business entity which, either directly or indirectly, is an affiliate or subsidiary of any public utility regulated by the commission. If a commissioner acquires any financial interest prohibited by this section during his or her term of office as a result of events or actions beyond the commissioner's control, he or she shall immediately sell such financial interest or place such financial interest in a blind trust at a financial institution. A commissioner may not attempt to influence, or exercise any control over, decisions regarding the blind trust.

(d) A commissioner may not accept anything from a party in a proceeding currently pending before the commission. *If, during the course of an investigation by the Commission on Ethics into an alleged violation of this paragraph, allegations are made as to the identity of the person giving or providing the prohibited gift, that person must be given notice and an opportunity to participate in the investigation and relevant proceedings to present a defense. If the Commission on Ethics determines that the person gave or provided a prohibited gift, the person may not appear before the commission or otherwise represent anyone before the commission for a period of 2 years.*

(e) A commissioner may not serve as the representative of any political party or on any executive committee or other governing body of a political party; serve as an executive officer or employee of any political party, committee, organization, or association; receive remuneration for activities on behalf of any candidate for public office; engage on behalf of any candidate for public office in the solicitation of votes or other activities on behalf of such candidacy; or become a candidate for election to any public office without first resigning from office.

(f) A commissioner, during his or her term of office, may not make any public comment regarding the merits of any proceeding under ss. 120.569 and 120.57 currently pending before the commission.

(g) A commissioner may not conduct himself or herself in an unprofessional manner at any time during the performance of his or her official duties.

(h) A commissioner must avoid impropriety in all of his or her activities and must act at all times in a manner that promotes public confidence in the integrity and impartiality of the commission.

(i) A commissioner may not directly or indirectly, through staff or other means, solicit any thing of value from any public utility regulated by the commission, or from any business entity that, whether directly or indirectly, is an affiliate or subsidiary of any public utility regulated by the commission, or from any party appearing in a proceeding considered by the commission in the last 2 years.

Section 24. Subsection (7) of section 350.042, Florida Statutes, is amended to read:

350.042 Ex parte communications.—

(7)(a) It shall be the duty of the Commission on Ethics to receive and investigate sworn complaints of violations of this section pursuant to the procedures contained in ss. 112.322-112.3241.

(b) If the Commission on Ethics finds that there has been a violation of this section by a public service commissioner, it shall provide the Governor and the Florida Public Service Commission Nominating Council with a report of its findings and recommendations. The Governor is authorized to enforce the findings and recommendations of the Commission on Ethics, pursuant to part III of chapter 112.

(c) If a commissioner fails or refuses to pay the Commission on Ethics any civil penalties assessed pursuant to the provisions of this section, the Commission on Ethics may bring an action in any circuit court to enforce such penalty.

(d) *If, during the course of an investigation by the Commission on Ethics into an alleged violation of this paragraph, allegations are made as to the identity of the person who participated in the ex parte communication, that person must be given notice and an opportunity to participate in the investigation and relevant proceedings to present a defense. If the Commission on Ethics determines that the person participated in the ex parte communication, the person may not appear before the commission or otherwise represent anyone before the commission for a period of 2 years.*

Section 25. Subsection (1) of section 350.061, Florida Statutes, is amended to read:

350.061 Public Counsel; appointment; oath; restrictions on Public Counsel and his or her employees.—

(1) ~~The Committee on Public Service Commission Oversight Joint Legislative Auditing Committee~~ shall appoint a Public Counsel by majority vote of the members of the committee to represent the general public of Florida before the Florida Public Service Commission. The Public Counsel shall be an attorney admitted to practice before the Florida Supreme Court and shall serve at the pleasure of the ~~Joint Legislative Auditing Committee on Public Service Commission Oversight~~, subject to biennial ~~annual~~ reconfirmation by the committee. *The Public Counsel shall perform his or her duties independently.* Vacancies in the office shall be filled in the same manner as the original appointment.

Section 26. Subsection (2) of section 350.0614, Florida Statutes, is amended to read:

350.0614 Public Counsel; compensation and expenses.—

(2) The Legislature hereby declares and determines that the Public Counsel is under the legislative branch of government within the intention of the legislation as expressed in chapter 216, and no power shall be in the Executive Office of the Governor or its successor to release or withhold funds appropriated to it, but the same shall be available for expenditure as provided by law and the rules or decisions of the ~~Joint Auditing Committee on Public Service Commission Oversight~~.

Section 27. Except for sections 20 through 26, which shall take effect October 1, 2005, the penalty provisions of which and the provisions of which that create new standards of conduct apply to violations occurring on or after that date, this act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1, delete line 2 and insert: An act relating to the Public Service Commission; creating the Committee on Public Service Commission Oversight as a standing joint committee of the Legislature; providing for its membership, powers, and duties; amending s. 350.001, F.S.; requiring that the commission perform its duties independently; specifying that the Governor has no planning or budgetary authority with respect to the commission; specifying that the Governor and the Department of Management Services have no authority over the commission's employees; amending s. 350.031, F.S.; authorizing the Florida Public Service Commission Nominating Council to make expenditures to advertise a vacancy on the council or the commission; requiring that the Committee on Public Service Commission Oversight provide a nominee for recommendation to the Governor for appointment to the Public Service Commission; providing procedures; amending s. 350.041, F.S.; clarifying the prohibition against accepting gifts with respect to its application to commissioners attending conferences; requiring that a penalty be imposed against a person who gives a commissioner a prohibited gift; requiring that commissioners avoid impropriety and act in a manner that promotes confidence in the commission; prohibiting a commissioner from soliciting any thing of value, either directly or indirectly, from any public utility, its affiliate, or any party; amending s. 350.042, F.S.; requiring that a penalty be imposed against a person involved in a prohibited ex parte communication with a commissioner; amending s. 350.061, F.S.; requiring that the Committee on Public Service Commission Oversight rather than the Joint Legislative Auditing Committee appoint the Public Counsel; providing for biennial reconfirmation rather than annual; requiring that the Public Counsel perform his or her duties independently; amending s. 350.0614, F.S.; requiring that the Committee on Public Service Commission Oversight rather than the Joint Legislative Auditing Committee oversee expenditures of the Public Counsel; amending

Amendment 5 (883248)—In title, on page 3, line 5, delete “an effective date” and insert: effective dates

Pursuant to Rule 4.19, **CS for CS for SB 2232** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

SENATOR PRUITT PRESIDING

On motion by Senator Crist, by two-thirds vote **HB 307** was withdrawn from the Committees on Commerce and Consumer Services; and Health Care.

On motion by Senator Crist—

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.

—a companion measure, was substituted for **SB 1042** and read the second time by title.

Pursuant to Rule 4.19, **HB 307** was placed on the calendar of Bills on Third Reading.

On motion by 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.

—was read the second time by title.

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

Amendment 1 (841694)(with title amendment)—On page 16, between lines 20 and 21, insert:

Section 13. Paragraph (a) of subsection (1) of section 849.161, Florida Statutes, is amended to read:

849.161 Amusement games or machines; when chapter inapplicable.—

(1)(a)1. Nothing contained in this chapter shall be taken or construed as applicable to an arcade amusement center having amusement games or machines which operate by means of the insertion of a coin or other currency and which by application of skill may entitle the person playing or operating the game or machine to receive points or coupons which may be exchanged for merchandise only, excluding cash and alcoholic beverages, provided the cost value of the merchandise or prize awarded in exchange for such points or coupons does not exceed 75 cents on any game played.

2. Nothing contained in this chapter shall be taken or construed as applicable to any retail dealer who operates as a truck stop, as defined in chapter 336 and which operates a minimum of 6 functional diesel fuel pumps, having amusement games or machines which operate by means of the insertion of a coin or other currency and which by application of skill may entitle the person playing or operating the game or machine to receive points or coupons which may be exchanged for merchandise limited to noncash prizes, toys, novelties, and Florida Lottery products, excluding alcoholic beverages, provided the cost value of the merchandise or prize awarded in exchange for such points or coupons does not exceed 75 cents on any game played. This subparagraph applies only to games and machines which are operated for the entertainment of the general public and tourists as bona fide amusement games or machines. This subsection shall not apply, however, to any game or device defined as a gambling device in 24 U.S.C. s. 1171, which requires identification of each device by permanently affixing serial numbering and name, trade name, and date of manufacture under s. 1173, and registration

with the United States Attorney General, unless excluded from applicability of the chapter under s. 1178. This subsection shall not be construed to authorize video poker games or any other game or machine that may be construed as a gambling device under Florida law.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 21, after the semicolon (;) and insert: amending s. 849.161, F.S.; providing that the chapter does not apply to amusement games or machines which operate by the insertion of a coin or other currency;

Pursuant to Rule 4.19, **CS for CS for CS for SB 1520** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

CS for CS for SB 1090—A bill to be entitled An act relating to mental health care services for minors and incapacitated persons; amending s. 39.402, F.S.; requiring a child's parent or legal guardian to provide certain information to the Department of Children and Family Services; amending s. 39.407, F.S.; specifying requirements for the department with respect to providing psychotropic medication to a child in the custody of the department; requiring that the prescribing physician attempt to obtain express and informed parental consent for providing such medication; authorizing the department to provide psychotropic medication without such consent under certain circumstances; requiring the department to provide medical information to a physician under certain circumstances; requiring that the child be evaluated by a physician; requiring that the department obtain court authorization for providing such medication within a specified period; providing requirements for a motion by the department seeking court authorization to provide psychotropic medication; specifying circumstances under which medication may be provided in advance of a court order; requiring that notice be provided to all parties if the department proposes to provide psychotropic medication to the child; requiring that a hearing be held if any party objects; providing requirements for the hearing; authorizing the court to order additional medical consultation; specifying the required burden of proof with respect to evidence presented at the hearing; requiring that the department provide a child's medical records to the court; providing requirements for court review; authorizing the court to order the department to obtain a medical opinion; requiring that the department adopt rules to ensure that children receive appropriate psychotropic medications; specifying the provisions to be included in the rules; conforming a cross-reference; amending s. 394.459, F.S., relating to the rights of patients under the Florida Mental Health Act; revising provisions requiring that a patient be asked to give express and informed consent before admission or treatment; requiring that additional information be provided with respect to the risks and benefits of treatment, the dosage range of medication, potential side effects, and the monitoring of treatment; clarifying provisions governing the manner in which consent may be revoked; requiring that facilities develop a system for investigating and responding to certain complaints; amending s. 743.0645, F.S.; redefining the term "medical care and treatment" for purposes of obtaining consent for the medical treatment of a minor; providing an exception with respect to the consent provided under s. 39.407, F.S.; directing the department to conduct an assessment; requiring a report; providing an effective date.

—was read the second time by title.

Senator Crist moved the following amendment which was adopted:

Amendment 1 (425318)(with title amendment)—On page 14, between lines 13 and 14, insert:

Section 6. Section 1006.0625, Florida Statutes, is created to read:

1006.0625 *Administration of psychotropic medication; prohibition; conditions.*—

(1) *As used in this section, the term "psychotropic medication" means a prescription medication that is used for the treatment of mental disorders and includes, without limitation, antihypnotics, antipsychotics, antidepressants, anxiety agents, sedatives, psychomotor stimulants, and mood stabilizers.*

(2) *A public school may not deny any student access to programs or services because the parent of the student has refused to place the student on psychotropic medication.*

(3) *A public school teacher and school district personnel may share school-based observations of a student's academic, functional, and behavioral performance with the student's parent and offer program options and other assistance that is available to the parent and the student based on the observations. However, a public school teacher and school district personnel may not compel or attempt to compel any specific actions by the parent or require that a student take medication. A parent may refuse psychological screening of the student.*

Any medical decision made to address a student's needs is a matter between the student, the student's parent, and a competent health care professional chosen by the parent.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 2, after the second semicolon (;) insert: creating s. 1006.0625, F.S.; defining the term "psychotropic medication"; prohibiting a public school from denying a student access to programs or services under certain conditions; authorizing public school teachers and school district personnel to share certain information with a student's parent; prohibiting public school teachers and school district personnel from compelling certain actions by a parent; authorizing the refusal of psychological screening; providing for medical decisionmaking authority;

Pursuant to Rule 4.19, **CS for CS for SB 1090** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Argenziano—

SB 2148—A bill to be entitled An act relating to bingo; amending s. 849.0931, F.S.; revising provisions for the conduct of bingo sessions and games; revising definitions; defining "bingo session," "calendar week," "day," and "member"; restricting assistance in the conduct of bingo to members; revising provisions for prizes and jackpots; providing for an additional jackpot per session; providing for valuation of noncash prizes; prohibiting free games; providing an exception; limiting bingo sessions; revising provisions for assistance in the conduct of bingo; revising rules for the conduct of bingo games; providing for accommodations for persons with physical disabilities; preempting regulation of bingo to the state; prohibiting certain persons from conducting or assisting in the conduct of bingo; prohibiting certain persons from being a bingo lessor or employee of such lessor; prohibiting a bingo organization from allowing use of its identity for the purpose of conducting bingo; prohibiting certain persons from participating in certain bingo games; providing restriction on sale of bingo cards; providing penalties; amending s. 849.161, F.S.; providing that specified gambling regulations do not apply to specified bingo facilities; providing an effective date.

—was read the second time by title.

The Committee on Regulated Industries recommended the following amendments which were moved by Senator Argenziano and adopted:

Amendment 1 (271146)—On page 3, line 10, delete "12:01 a.m." and insert: *midnight*

Amendment 2 (271914)—On page 3, lines 12 and 13, delete those lines and insert: *(e) "Day" means the standard calendar period of 24 consecutive hours ending at midnight.*

Amendment 3 (170456)—On page 13, lines 20 and 21, delete "24 U.S.C. s. 1171" and insert: *15 U.S.C. s. 1171 24 U.S.C. s. 1171*

Pursuant to Rule 4.19, **SB 2148** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by 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.

—was read the second time by title.

Senator Clary moved the following amendment which was adopted:

Amendment 1 (865060)(with title amendment)—On page 9, between lines 17 and 18, insert:

Section 23. Section 15.052, Florida Statutes, is created to read:

15.052 Official state maritime museum.—

(1) *The State of Florida Maritime Museum and Research Center, to be built in the City of Pensacola, is designated as the official state maritime museum.*

(2) *This section shall stand repealed on July 1, 2015, unless reviewed and saved from repeal through reenactment by the Legislature.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 12, after the semicolon (;) insert: creating s. 15.052, F.S.; designating the State of Florida Maritime Museum and Research Center in the City of Pensacola as the official state maritime museum; providing for future legislative review and repeal;

Pursuant to Rule 4.19, **CS for CS for SB 1968** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator King—

CS for SB 2222—A bill to be entitled An act relating to economic development; amending s. 288.095, F.S.; increasing the cap on refunds from the Economic Development Trust Fund; providing for separate accounting for refunds to certain industries; amending s. 288.106, F.S.; defining the term "aerospace industry" and redefining the term "target industry business" for purposes of the tax refund program for such businesses; amending ss. 288.107, 290.00677, F.S.; conforming cross-references; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2222** was placed on the calendar of Bills on Third Reading.

On motion by Senator Clary—

CS for SB 1492—A bill to be entitled An act relating to condominiums; amending s. 718.301, F.S.; providing for the effect of actions taken by members of the board of administration of an association designated by the developer; requiring examination and certification of certain defects by certain licensed individuals or entities; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 1492** to **HB 291**.

Pending further consideration of **CS for SB 1492** as amended, on motion by Senator Clary, by two-thirds vote **HB 291** was withdrawn from the Committees on Regulated Industries; and Judiciary.

On motion by Senator Clary—

HB 291—A bill to be entitled An act relating to condominiums; amending s. 718.301, F.S.; providing for the effect of actions taken by members of the board of administration of an association designated by the developer; requiring examination and certification of certain defects by certain licensed individuals or entities; providing an effective date.

—a companion measure, was substituted for **CS for SB 1492** as amended and read the second time by title.

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 1 (072352)(with title amendment)—On page 1, between lines 10 and 11, insert:

Section 1. Section 718.117, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 718.117, F.S., for present text.)

718.117 Termination of condominium.—

(1) TERMINATION BECAUSE OF ECONOMIC WASTE OR IMPOSSIBILITY.—Notwithstanding any provision to the contrary in the declaration, the condominium form of ownership of a property may be terminated by a plan of termination approved by the lesser of a majority of the total voting interests or as otherwise provided in the declaration for approval of termination, in the following circumstances:

(a) When the total estimated cost of repairs necessary to restore the improvements to their former condition or bring them into compliance with applicable laws or regulations exceeds the combined fair market value of all units in the condominium after completion of the repairs; or

(b) When it becomes impossible to operate a condominium in its prior physical configuration because of land-use laws or regulations.

(2) OPTIONAL TERMINATION.—Except as provided in subsections (1) and (3) and unless otherwise provided in the declaration, the condominium form of ownership of the property may be terminated pursuant to a plan of termination approved by at least 80 percent of the total voting interests of the condominium.

(3) If 80 percent of the total voting interests fail to approve the plan of termination but less than 20 percent of the total voting interests disapprove of the plan, the circuit court shall have jurisdiction to entertain a petition by the association or by one or more unit owners and approve the plan of termination, and the action may be a class action.

(a) All unit owners and the association must be joined as parties to the action. Service of process on unit owners may be by publication, but the plaintiff must furnish every unit owner not personally served with process with a copy of the petition and plan of termination and the final decree of the court by mail at the unit owner's last known residential address.

(b) Upon determining that the rights and interests of the unit owners are equitably set forth in the plan of termination as required by this section, the plan of termination may be approved by the court. Consistent with the provisions of this section, the court may modify the plan of termination to provide for an equitable distribution of the interest of unit owners before approving the plan of termination.

(4) EXEMPTION.—A plan of termination is not an amendment subject to s. 718.110(4).

(5) MORTGAGE LIENHOLDERS.—Notwithstanding any provision to the contrary in the declaration or this chapter, approval of a plan of termination by the holder of a recorded mortgage lien affecting a condominium parcel is not required unless the plan of termination will result in less than the full satisfaction of the mortgage lien affecting the parcel.

(6) POWERS IN CONNECTION WITH TERMINATION.—The association shall continue in existence following approval of the plan of termination, with all powers it had before approval of the plan. Notwithstanding any contrary provision in the declaration or bylaws, after approval of the plan, the board has the power and duty:

(a) To employ directors, agents, attorneys, and other professionals to liquidate or conclude its affairs.

(b) To conduct the affairs of the association as necessary for the liquidation or termination.

(c) To carry out contracts and collect, pay, and settle debts and claims for and against the association.

(d) To defend suits brought against the association.

(e) To sue in the name of the association for all sums due or owed to the association or to recover any of its property.

(f) To perform any act necessary to maintain, repair, or demolish unsafe or uninhabitable improvements or other condominium property in compliance with applicable codes.

(g) To sell at public or private sale or to exchange, convey, or otherwise dispose of assets of the association for an amount deemed to be in the best interest of the association, and to execute bills of sale and deeds of conveyance in the name of the association.

(h) To collect and receive rents, profits, accounts receivable, income, maintenance fees, special assessments, or insurance proceeds for the association.

(i) To contract and do anything in the name of the association which is proper or convenient to terminate the affairs of the association.

(7) NATURAL DISASTERS.—

(a) If, after a natural disaster, the identity of the directors or their right to hold office is in doubt, if they are deceased or unable to act, if they fail or refuse to act, or if they cannot be located, any interested person may petition the circuit court to determine the identity of the directors or, if found to be in the best interest of the unit owners, to appoint a receiver to conclude the affairs of the association after a hearing following notice to such persons as the court directs.

(b) The receiver shall have all powers given to the board pursuant to the declaration, bylaws, or subsection (6), and any other powers that are necessary to conclude the affairs of the association and are set forth in the order of appointment. The appointment of the receiver is subject to the bonding requirements of such order. The order shall also provide for the payment of a reasonable fee to the receiver from the sources identified in the order, which may include rents, profits, incomes, maintenance fees, or special assessments collected from the condominium property.

(8) PLAN OF TERMINATION.—The plan of termination must be a written document executed in the same manner as a deed by unit owners having the requisite percentage of voting interests to approve the plan and by the termination trustee. A unit owner may document assent to the plan of termination by executing the plan or consent to or joinder in the plan in the manner of a deed. A plan of termination and the consents or joinders of unit owners and, if required, consents or joinders of mortgagees must be recorded in the public records of each county in which any

portion of the condominium is located. The plan of termination is effective only upon recordation or at a later date specified in the plan.

(9) **PLAN OF TERMINATION; REQUIRED PROVISIONS.**—The plan of termination must specify:

- (a) The name, address, and powers of the termination trustee;
- (b) A date after which the plan of termination is void if it has not been recorded;
- (c) The interest of the respective unit owners in the association property, common surplus, and other assets of the association, which shall be the same as the respective interests of the unit owners in the common elements immediately before the termination;
- (d) The interests of the respective unit owners in any proceeds from any sale of the condominium property. If, pursuant to the plan of termination, condominium property or real property owned by the association is to be sold following termination, the plan must provide for the sale and may establish any minimum sale terms; and
- (e) Any interests of the respective unit owners in any insurance proceeds or condemnation proceeds that are not used for repair or reconstruction. Unless the declaration expressly addresses the distribution of insurance proceeds or condemnation proceeds, the plan of termination may apportion those proceeds pursuant to the methods prescribed in subsection (11).

(10) **PLAN OF TERMINATION; OPTIONAL PROVISIONS.**—The plan of termination may provide:

- (a) That each unit owner retains the exclusive right of possession to the portion of the real estate that formerly constituted the unit, in which case the plan must specify the conditions of possession.
- (b) In the case of a conditional termination, the plan must specify the conditions for termination. A conditional plan will not vest title in the termination trustee until the plan and a certificate executed by the association with the formalities of a deed, confirming that the conditions in the conditional plan have been satisfied or waived by the requisite percentage of the voting interests, has been recorded.

(11) **ALLOCATION OF PROCEEDS OF SALE OF CONDOMINIUM PROPERTY.**—

- (a) Unless the declaration expressly provides for the allocation of the proceeds of sale of condominium property, the plan of termination must first apportion the proceeds between the aggregate value of all units and the value of the common elements, based on their respective fair-market values immediately before the termination, as determined by one or more independent appraisers selected by the association or termination trustee.
- (b) The portion of proceeds allocated to the units shall be further apportioned among the individual units. The apportionment is deemed fair and reasonable if it is determined by any of the following methods:
 1. The respective value of the units based on the fair-market values of the units immediately before the termination, as determined by one or more independent appraisers selected by the association or termination trustee;
 2. The respective value of the units based on the most recent market value of the units before the termination, as provided in the county property appraiser's records; or
 3. The respective interests of the units in the common elements specified in the declaration immediately before the termination.
- (c) The methods of apportionment in paragraph (b) do not prohibit any other method of apportioning the proceeds of sale allocated to the units agreed upon in the plan of termination. The portion of the proceeds allocated to the common elements shall be apportioned among the units based upon their respective interests in the common elements as provided in the declaration.
- (d) Liens that encumber a unit shall be transferred to the proceeds of sale of the condominium property attributable to such unit in their same priority. The proceeds of any sale of condominium property pursuant to

a plan of termination may not be deemed to be common surplus or association property.

(12) **TERMINATION TRUSTEE.**—The association shall serve as termination trustee unless another person is appointed in the plan of termination. If the association is unable, unwilling, or fails to act as trustee, any unit owner may petition the court to appoint a trustee. Upon recording or at a later date specified in the plan, title to the condominium property vests in the trustee. Unless prohibited by the plan, the trustee shall be vested with the powers given to the board pursuant to the declaration, bylaws, and subsection (6). If the association is not the termination trustee, the trustee's powers shall be co-extensive with those of the association to the extent not prohibited in the plan of termination or the order of appointment. If the association is not the trustee, the association shall transfer any association property to the trustee. If the association is dissolved, the trustee shall also have such other powers necessary to conclude the affairs of the association.

(13) **TITLE VESTED IN TERMINATION TRUSTEE.**—If termination is pursuant to a plan of termination under subsection (1) or subsection (2), the unit owners' rights as tenants in common in undivided interests in the condominium property vest in the termination trustee when the plan is recorded or at a later date specified in the plan. The unit owners thereafter become the beneficiaries of proceeds realized from any plan of termination. The termination trustee may deal with the condominium property or any interest therein if the plan confers to the trustee the authority to protect, conserve, manage, sell, or dispose of the condominium property. The trustee, on behalf of the unit owners, may contract for the sale of real property, but the contract is not binding on the unit owners until the plan is approved pursuant to subsection (1) or subsection (2).

(14) **NOTICE.**—

(a) Within 30 days after a plan of termination has been recorded, the termination trustee shall deliver by certified mail, return receipt requested, notice to all unit owners, lienors of the condominium property, and lienors of all units at their last known addresses that a plan of termination has been recorded. The notice shall include the book and page number of the public records where the plan is recorded, notice that a copy of the plan shall be furnished upon written request, and notice that the unit owner or lienor has the right to contest the fairness of the plan.

(b) The trustee, within 30 days after the effective date of the plan, shall provide to the division a certified copy of the recorded plan, the date the plan was recorded, and the county, book, and page number of the public records where it was recorded.

(15) **RIGHT TO CONTEST.**—A unit owner or lienor may contest a plan of termination by initiating a summary procedure pursuant to s. 51.011 within 90 days after the date the plan is recorded. A unit owner or lienor who does not contest the plan is barred from asserting or prosecuting a claim against the association, the termination trustee, any unit owner, or any successor in interest to the condominium property. In an action contesting a plan of termination, the person contesting the plan has the burden of pleading and proving that the apportionment of the proceeds from the sale among the unit owners was not fair and reasonable. The apportionment of sale proceeds is presumed fair and reasonable if it was determined pursuant to the methods prescribed in subsection (11). The court shall adjudge the rights and interests of the parties and order the plan of termination to be implemented if it is fair and reasonable. The court shall void a plan that is determined not to be fair and reasonable. In such action the prevailing party may recover reasonable attorney's fees and costs.

(16) **DISTRIBUTION.**—Following termination of the condominium, the condominium property, association property, common surplus, and other assets of the association shall be held by the termination trustee, as trustee for unit owners and holders of liens on the units, in their order of priority.

(a) Not less than 30 days prior to the first distribution, the termination trustee shall deliver by certified mail, return receipt requested, a notice of the estimated distribution to all unit owners, lienors of the condominium property, and lienors of each unit at their last known address stating a good-faith estimate of the amount of the distributions to each class and the procedures and deadline for notifying the termination trustee of any objections to the amount. The deadline must be at least 15 days after the date the notice was mailed. The notice may be sent with

or after the notice required by subsection (14). If a unit owner or lienor files an objection with the termination trustee, the trustee does not have to distribute the funds and property allocated to the respective unit owner and lienor until the trustee has had a reasonable time to determine the validity of the adverse claims. In the alternative, the trustee may interplead the unit owner, lienor, and any other person claiming an interest in the unit and deposit the funds allocated to the unit in the court registry, at which time the condominium property, association property, common surplus, and other assets of the association are free of all claims and liens of the parties to the suit. In an interpleader action, the trustee and prevailing party may recover reasonable attorney's fees and costs and court costs.

(b) The proceeds of any sale of condominium or association property and any remaining condominium or association property, common surplus, and other assets shall be distributed in the following priority:

1. To pay the costs of implementing the plan of termination, including demolition, removal, and disposal fees, termination trustee's fees and costs, accounting fees and costs, and attorney's fees and costs.

2. To lienholders for liens recorded prior to the recording of the declaration.

3. To lienholders for liens of the association which have been consented to under s. 718.121.

4. To creditors of the association, as their interests appear.

5. To unit owners, the proceeds of any sale of condominium property subject to satisfaction of liens on each unit in their order of priority, in shares specified in the plan of termination, unless objected to by a unit owner or lienor.

6. To unit owners, the remaining condominium property, subject to satisfaction of liens on each unit in their order of priority, in shares specified in the plan of termination, unless objected to by a unit owner or a lienor.

7. To unit owners, the proceeds of any sale of association property, the remaining association property, common surplus, and other assets of the association, subject to satisfaction of liens on each unit in their order of priority, in shares specified in the plan of termination, unless objected to by a unit owner or a lienor.

(c) After determining that all known debts and liabilities of an association in the process of termination have been paid or adequately provided for, the termination trustee shall distribute the remaining assets pursuant to the plan of termination. If the termination is by court proceeding or subject to court supervision, the distribution may not be made until any period for the presentation of claims ordered by the court has passed.

(d) Assets held by an association upon a valid condition requiring return, transfer, or conveyance, which condition has occurred or will occur, shall be returned, transferred, or conveyed in accordance with the condition. The remaining association assets shall be distributed pursuant to paragraph (b).

(e) Distribution may be made in money, property, or securities and in installments or as a lump sum, if it can be done fairly and ratably and in conformity with the plan of termination. Distribution shall be made as soon as is reasonably consistent with the beneficial liquidation of the assets.

(17) ASSOCIATION STATUS.—The termination of a condominium does not change the corporate status of the association that operated the condominium property. The association continues to exist to conclude its affairs, prosecute and defend actions by or against it, collect and discharge obligations, dispose of and convey its property, and collect and divide its assets, but not to act except as necessary to conclude its affairs.

(18) CREATION OF ANOTHER CONDOMINIUM.—The termination of a condominium does not bar the creation, by the termination trustee, of another condominium affecting any portion of the same property.

(19) EXCLUSION.—This section does not apply to the termination of a condominium incident to a merger of that condominium with one or more other condominiums under s. 718.110(7).

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 2, after the semicolon (;) insert: amending s. 718.117, F.S.; substantially revising provisions relating to the termination of the condominium form of ownership of a property; providing grounds; providing powers and duties of the board of administration of the association; waiving certain notice requirements following natural disasters; providing requirements for a plan of termination; providing for the allocation of proceeds from the sale of condominium property; providing powers and duties of a termination trustee; providing notice requirements; providing a procedure for contesting a plan of termination; providing rules for the distribution of property and sale proceeds; providing for the association's status following termination; allowing the creation of another condominium by the trustee;

Pursuant to Rule 4.19, **HB 291** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Smith—

CS for SB 546—A bill to be entitled An act relating to reimbursement for lung transplant services for Medicaid recipients; amending s. 409.9062, F.S.; requiring the Agency for Health Care Administration to reimburse lung transplant facilities a global fee for services provided to Medicaid recipients; providing an appropriation; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 546** was placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

CS for SB 60—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.0515, F.S.; providing membership in the Special Risk Class for certain employees of a law enforcement agency or medical examiner's office whose duties include collecting, examining, preserving, documenting, preparing, or analyzing physical evidence; providing a declaration of important state interest; making an appropriation to the Department of Law Enforcement; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 60** was placed on the calendar of Bills on Third Reading.

On motion by Senator King, by two-thirds vote **HB 1725** was withdrawn from the Committees on Commerce and Consumer Services; Community Affairs; Government Efficiency Appropriations; and Ways and Means.

On motion by Senator King—

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.

—a companion measure, was substituted for **CS for CS for CS for SB 1770** and read the second time by title.

Pursuant to Rule 4.19, **HB 1725** was placed on the calendar of Bills on Third Reading.

On motion by Senator King—

CS for SB 1024—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 288.99, F.S., the “Certified Capital Company Act”; removing the October 2, 2005, repeal of information relating to an active investigation or office review of a certified capital company scheduled under the Open Government Sunset Review Act; narrowing the exemption; eliminating the exemption from public-records requirements for social security numbers of any customers of a certified capital company, complainants, or persons associated with a certified capital company or qualified business; eliminating references to specified premium tax credits under the act designated as “Program One” and “Program Two”; providing editorial and conforming changes; providing for the future repeal of the Certified Capital Company Act; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1024** was placed on the calendar of Bills on Third Reading.

On motion by Senator Crist—

CS for CS for SB 1766—A bill to be entitled An act relating to administration of medication to public school students; creating s. 1006.0625, F.S.; defining the term “psychotropic medication”; prohibiting a public school from denying a student access to programs or services under certain conditions; authorizing public school teachers and school district personnel to share certain information with a student’s parent; prohibiting public school teachers and school district personnel from

compelling certain actions by a parent; authorizing the refusal of psychological screening; providing for medical decisionmaking authority; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 1766** was placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano—

CS for SB 738—A bill to be entitled An act relating to the Criminal Justice Standards and Training Commission; amending s. 943.11, F.S.; requiring that the members of the commission who are sheriffs appointed by the Governor be chosen from a list of nominees submitted by the Florida Sheriffs Association; requiring that the members of the commission who are chiefs of police appointed by the Governor be chosen from a list of nominees submitted by the Florida Police Chiefs Association; requiring that the members of the commission who are law enforcement officers of the rank of sergeant or below and the member who is a correctional officer of the rank of sergeant or below who are appointed by the Governor be chosen from a list of nominees submitted by a committee composed of certain collective bargaining agents; providing selection criteria for the committee; requiring lists of nominees to be submitted by a time certain; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 738** was placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

CS for CS for SB 782—A bill to be entitled An act relating to hazing; providing a popular name; specifying conduct that constitutes hazing at high schools with grades 9-12; creating new offenses of hazing at such a high school; providing a definition; providing for felony and misdemeanor offenses of hazing at such a high school; specifying the elements of each offense; providing criminal penalties; requiring the court to impose a hazing-education course as a condition of sentence in certain circumstances; authorizing the court to impose a condition of drug or alcohol probation in certain circumstances; specifying circumstances that do not constitute a valid defense to a prosecution of hazing at such a high school; creating a rule of construction; amending s. 1006.63, F.S.; revising a definition; providing for felony and misdemeanor offenses of hazing at postsecondary educational institutions; specifying the elements of each offense; providing for criminal penalties; requiring the court to impose a hazing-education course as a condition of sentence in certain circumstances; authorizing the court to impose a condition of drug or alcohol probation in certain circumstances; specifying circumstances that do not constitute a valid defense to a prosecution for the offense of hazing; creating a rule of construction; amending s. 1001.64, F.S., to conform a cross-reference; providing construction with respect to civil causes of action; providing applicability; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for SB 782** to **HB 193**.

Pending further consideration of **CS for CS for SB 782** as adopted, on motion by Senator Campbell, by two-thirds vote **HB 193** was withdrawn from the Committees on Education; Criminal Justice; and Justice Appropriations.

On motion by Senator Campbell—

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.

—a companion measure, was substituted for **CS for CS for SB 782** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 193** was placed on the calendar of Bills on Third Reading.

On motion by Senator King—

CS for CS for SB 1652—A bill to be entitled An act relating to unemployment compensation; amending s. 120.80, F.S.; exempting proceedings conducted by special deputies under chapter 443, F.S., from uniform rules of procedure; amending s. 443.071, F.S.; prohibiting establishing a fictitious employing unit for the purpose of receiving unemployment benefits; describing those acts that constitute prima facie evidence of establishing a personal benefit account and of claiming and receiving unemployment benefits; providing penalties; providing for access to certain investigative records; amending s. 443.091, F.S.; revising certain conditions of benefit eligibility; amending s. 443.1216, F.S.; clarifying powers of employee leasing companies in leasing officers and other workers to clients; restating types of employment exempt from coverage under chapter 443, F.S.; amending s. 443.1217, F.S.; providing applicability of guidelines for determining those wages subject to chapter 443, F.S.; amending s. 443.131, F.S.; redefining the term “total excess payments”; prescribing guidelines for transferring unemployment experience upon transfer or acquisition of a business; providing penalties for unlawful acts related to such transfer; amending s. 443.1317, F.S.; providing for an official seal for the Agency for Workforce Innovation; amending s. 443.151, F.S.; prescribing procedures with respect to untimely appeals; amending s. 895.02, F.S.; redefining the term “racketeering activity,” for purposes of the criminal statutes pertaining to that offense, to include creation of fictitious employer schemes to commit unemployment compensation fraud; reenacting ss. 16.56(1)(a) and 905.34, F.S., relating to the Office of Statewide Prosecution and to the powers and duties of a statewide grand jury, respectively, to incorporate the amendment to s. 895.02, F.S., in references thereto; reenacting ss. 655.50(3)(g) and 896.101(2)(g), relating to the Florida Control of Money Laundering in the Financial Institutions Act and the Florida Money Laundering Act, respectively, to incorporate the amendment to s. 895.02, F.S., in references thereto; providing effective dates.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for SB 1652** to **HB 1693**.

Pending further consideration of **CS for CS for SB 1652** as amended, on motion by Senator King, by two-thirds vote **HB 1693** was withdrawn from the Committees on Commerce and Consumer Services; Criminal Justice; General Government Appropriations; and Transportation and Economic Development Appropriations.

On motion by Senator King—

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.

—a companion measure, was substituted for **CS for CS for SB 1652** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 1693** was placed on the calendar of Bills on Third Reading.

On motion by Senator Margolis—

CS for SB 1926—A bill to be entitled An act relating to inflammatory bowel disease; creating the Inflammatory Bowel 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 read the second time by title.

An amendment was considered and adopted to conform **CS for SB 1926** to **HB 869**.

Pending further consideration of **CS for SB 1926** as amended, on motion by Senator Margolis, by two-thirds vote **HB 869** was withdrawn from the Committees on Health Care; and Health and Human Services Appropriations.

On motion by Senator Margolis—

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.

—a companion measure, was substituted for **CS for SB 1926** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 869** was placed on the calendar of Bills on Third Reading.

On motion by Senator Haridopolos, by two-thirds vote **HB 1469** was withdrawn from the Committees on Regulated Industries; Banking and Insurance; Criminal Justice; Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator Haridopolos—

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.

—a companion measure, was substituted for **CS for SB 2344** and read the second time by title.

Pursuant to Rule 4.19, **HB 1469** was placed on the calendar of Bills on Third Reading.

On motion by Senator Haridopolos—

CS for CS for CS for SB 2346—A bill to be entitled An act relating to funeral and cemetery industry regulation; amending s. 316.1974, F.S.; providing for lighting equipment on certain non-law enforcement vehicles in a funeral procession; amending s. 497.005, F.S.; revising definitions; amending s. 497.101, F.S.; providing for eligibility for membership on the Board of Funeral, Cemetery, and Consumer Services; providing rulemaking authority regarding application for board membership; amending s. 497.103, F.S.; revising authority of the Department of Financial Services to take emergency action; limiting the authority of the Chief Financial Officer; amending s. 497.140, F.S.; revising the time period for board reaction to department revenue projections; providing for future termination of certain assessments; providing for a late-renewal fee; amending s. 497.141, F.S.; revising licensure application procedures to provide for persons other than natural persons; clarifying when licenses may be issued to entities and to natural persons; clarifying the types of entities to which licenses may be issued; providing signature requirements; authorizing the licensing authority to adopt rules; restricting assignment or transfer of license; amending s. 497.142, F.S.; revising fingerprinting requirements; eliminating obsolete references; clarifying requirements as to disclosure of previous criminal records; revising which members of an entity applying for licensure are required to disclose their criminal records; providing for waiver of the fingerprint requirements in certain circumstances; amending s. 497.143, F.S.; prohibiting preneed sales under a limited license; amending s. 497.144, F.S.; requiring a challenger to pay the costs for failure to appear at a challenge hearing; amending s. 497.147, F.S.; removing provision granting rulemaking authority to the Board of Funeral and Cemetery Services relating to certain written agreements being a prerequisite for qualification of a provider of training or continuing education regarding funeral and cemetery service licensure; amending s. 497.149, F.S.; revising terminology; amending s. 497.151, F.S.; revising applicability; specifying what is deemed to be a complaint; amending s. 497.152, F.S.; revising disciplinary provisions; revising applicability in other jurisdictions; revising certain grounds for disciplinary action; specifying what is deemed to be a complaint; providing exceptions to remittance deficiency disciplinary infractions; amending s. 497.153, F.S.; providing for the use of consent orders in certain circumstances; amending s. 497.158, F.S.; revising fine amounts; amending s. 497.159, F.S.; revising criminal provisions relating to prelicensure examinations, willful obstruction, trust funds, and specified violations; providing penalties; revising what constitutes improper discrimination; amending s. 497.161, F.S.; removing a provision allowing board members to serve as experts in investigations; specifying standing of licensees to challenge rules; amending s. 497.165, F.S.; revising a standard for determining liability for a trust fund deficiency; amending s. 497.166, F.S.; specifying who may act as a preneed sales agent; providing responsibility of certain licensees; amending s. 497.169, F.S.; revising a provision for award of attorney's fees and costs in certain actions; creating s. 497.171, F.S.; providing requirements for the identification of human remains; amending s. 497.260, F.S.; revising what constitutes improper discrimination by cemeteries; amending s. 497.263, F.S.; revising the applicability of certain application procedures for licensure of cemetery companies; amending s. 497.264, F.S.; revising requirements relating to applicants seeking to acquire control of a licensed cemetery; amending s. 497.281, F.S.; revising requirements for licensure of burial rights brokers; amending s. 497.365, F.S.; requiring that certain fees be paid before an inactive license is renewed; amending s. 497.368, F.S.; revising grounds for issuance of licensure as an embalmer by examination; amending s. 497.369, F.S.; revising grounds for issuance of licensure as an embalmer by endorsement; amending s. 497.373, F.S.; revising grounds for issuance of licensure as a funeral director by examination; amending s. 497.374, F.S.; revising grounds for issuance of licensure as a funeral director by endorsement; amending s. 497.376, F.S.; revising authority to issue a combination license as a funeral director and embalmer; authorizes the

licensing authority to establish certain rules; amending s. 497.378, F.S.; revising a license renewal fee; amending s. 497.380, F.S.; revising certain requirements for funeral establishments; providing requirements for reporting a change in location of the establishment; revising a license renewal fee; amending s. 497.385, F.S.; revising application requirements for licensure of a removal service or a refrigeration service; providing requirements for change in location of removal services and refrigeration services; authorizing the licensing authority to adopt certain rules for centralized embalming facility operations; revising application requirements for licensure of a centralized embalming facility; providing for inspection of centralized embalming facilities; providing for change in ownership and change in location of centralized embalming facilities; amending s. 497.453, F.S.; revising net worth requirements for preneed licensure; specifying authority to accept alternative evidence of financial responsibility in lieu of net worth regarding preneed licensure applicants; providing preneed license renewal fees for monument establishments; increasing the renewal fee for a branch license which is set by the Board of Funeral, Cemetery, and Consumer Services; revising grounds for issuance of a preneed branch license; amending s. 497.456, F.S.; revising use of the Preneed Funeral Contract Consumer Protection Trust Fund by the licensing authority; amending s. 497.458, F.S.; revising requirements to loan or invest trust funds; amending s. 497.466, F.S., relating to preneed sales agents; substantially revising provisions relating to licensure requirements; revising application procedures, fees, the issuance of a temporary preneed sales agent license, the conversion of such a license to a permanent preneed sales agent license, restrictions upon an applicant who has a criminal or disciplinary record, termination of a permanent license due to lack of appointments, procedures for appointing preneed sales agents and for renewing such an appointment, termination of appointments, fees, and administrative matters; providing responsibilities of preneed licensees for preneed sales agents; creating s. 497.468, F.S.; providing for disclosure of information to the public; amending s. 497.550, F.S.; revising application requirements and procedures for licensure as a monument establishment; requiring that a monument establishment be licensed as a monument builder or as a monument dealer; exempting a monument dealer from a requirement to maintain certain facilities and from certain inspection requirements; requiring that a monument establishment obtain licensure as a monument builder in order to be eligible for a preneed sales license; amending s. 497.551, F.S.; revising requirements for renewal of monument establishment licensure; amending s. 497.552, F.S.; revising facility requirements for monument establishments; amending s. 497.553, F.S.; providing requirements for change of ownership and location of monument establishments; providing for an annual inspection fee; amending s. 497.554, F.S.; revising application procedure and renewal requirements for monument establishment sales representatives; deferring application of section; amending s. 497.555, F.S.; revising requirements for rules establishing minimum standards for access to cemeteries; amending s. 497.602, F.S.; revising application procedures for direct disposer licensure; amending s. 497.603, F.S.; revising the license renewal fee for a direct disposer; amending s. 497.604, F.S.; revising provisions concerning direct disposal establishment licensure and application for licensure and regulation of direct disposal establishments; amending s. 497.606, F.S.; revising provisions concerning cinerator facility licensure and application for licensure and regulation of cinerator facilities; amending s. 497.607, F.S.; providing for publication of rules regarding cremation by chemical means; authorizing the anatomical board of this state to provide for the final disposition of human remains delivered to the board as the board determines to be adequate and proper; 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 read the second time by title.

Amendments were considered and adopted to conform **CS for CS for CS for SB 2346** to **HB 529**.

Pending further consideration of **CS for CS for CS for SB 2346** as amended, on motion by Senator Haridopolos, by two-thirds vote **HB 529** was withdrawn from the Committees on Regulated Industries; Banking and Insurance; Criminal Justice; and Justice Appropriations.

On motion by Senator Haridopolos—

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 precensure 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 precensure 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 licensees; 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.

—a companion measure, was substituted for **CS for CS for CS for SB 2346** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 529** was placed on the calendar of Bills on Third Reading.

On motion by Senator Posey, by two-thirds vote **HB 1459** was withdrawn from the Committees on Regulated Industries; and Judiciary.

On motion by Senator Posey—

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; providing 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.

—a companion measure, was substituted for **CS for SB 2036** and read the second time by title.

Pursuant to Rule 4.19, **HB 1459** was placed on the calendar of Bills on Third Reading.

On motion by Senator Aronberg—

SB 2452—A bill to be entitled An act relating to pharmacy technicians; amending s. 465.014, F.S.; authorizing pharmacy technicians to initiate or receive requests for original prescriptions when dispensing for nonhuman use; prohibiting a licensed pharmacist from supervising more than a certain number of pharmacy technicians in dispensing prescriptions for nonhuman use; amending s. 465.035, F.S.; providing an exception to certain requirements for dispensing medicinal drugs for nonhuman use via facsimile; providing an effective date.

—was read the second time by title.

MOTION

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

Senator Klein moved the following amendments which were adopted:

Amendment 1 (825174)—On page 2, line 2, after “the” insert: *direct*

Amendment 2 (862690)—On page 2, line 10, delete “seven” and insert: *five*

Pursuant to Rule 4.19, **SB 2452** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Haridopolos, by two-thirds vote **HB 565** was withdrawn from the Committees on Regulated Industries; Commerce and Consumer Services; and Judiciary.

On motion by Senator Haridopolos—

HB 565—A bill to be entitled An act relating to mobile homes; amending s. 723.037, F.S.; providing intent, requirements, and restrictions regarding information exchanged in meetings between park owners and homeowners' committees and at mediation; providing exceptions; amending s. 723.0611, F.S.; designating the Florida Mobile Home Relocation Corporation as an agency of the state and certain other persons as officers, employees, or agents of the state for application of sovereign immunity provisions; providing rulemaking authority to administer provisions involving the corporation; amending s. 723.0612, F.S.; providing that mobile home owners are not eligible for compensation in certain circumstances involving change in use of the land comprising the mobile home park; providing entitlement to attorney's fees and costs in certain enforcement actions; providing an effective date.

—a companion measure, was substituted for **CS for SB 1124** and read the second time by title.

Pursuant to Rule 4.19, **HB 565** was placed on the calendar of Bills on Third Reading.

On motion by Senator Saunders, by two-thirds vote **HB 1289** was withdrawn from the Committees on Environmental Preservation; and Regulated Industries.

On motion by Senator Saunders—

HB 1289—A bill to be entitled An act relating to signing and sealing by professional geologists; creating s. 373.1175, F.S.; authorizing the Department of Environmental Protection and the governing boards of water management districts to require signing and sealing of certain documents and reports by professional geologists; requiring such cost to be borne by the permit applicant or permittee; providing construction with respect to professional engineers; providing an effective date.

—a companion measure, was substituted for **CS for SB 1988** and read the second time by title.

Pursuant to Rule 4.19, **HB 1289** was placed on the calendar of Bills on Third Reading.

On motion by Senator Atwater—

SB 2118—A bill to be entitled An act relating to worker's compensation; amending s. 440.02, F.S.; redefining the term "employee" under the Workers' Compensation Law to revise an exemption relating to owner-operators of motor vehicles; providing an effective date.

—was read the second time by title.

An amendment was considered and failed to conform **SB 2118** to **HB 423**.

Pending further consideration of **SB 2118**, on motion by Senator Atwater, by two-thirds vote **HB 423** was withdrawn from the Committees on Banking and Insurance; and Judiciary.

On motion by Senator Atwater—

HB 423—A bill to be entitled An act relating to the definition of "employee" for the purposes of workers' compensation; amending s. 440.02, F.S.; redefining the term "employee" under the Workers' Compensation Law to revise an exemption relating to owner-operators of motor vehicles; providing an effective date.

—a companion measure, was substituted for **SB 2118** and read the second time by title.

Pursuant to Rule 4.19, **HB 423** was placed on the calendar of Bills on Third Reading.

On motion by Senator Jones—

CS for CS for SB 2570—A bill to be entitled An act relating to home medical equipment providers; amending s. 400.925, F.S.; revising and providing definitions; amending s. 400.93, F.S.; providing that physicians who sell, rent, or supply equipment or devices to their patients are exempt from licensure as a home medical equipment provider; amending s. 400.931, F.S.; including additional categories of equipment in a report required by applicants for licensure; increasing the amount of liability insurance required of home medical equipment providers; amending s. 400.933, F.S.; revising requirements for licensure and assessment of fees; amending s. 400.934, F.S.; revising minimum standards required for licensure; amending s. 400.935, F.S.; requiring the Agency for Health Care Administration to provide additional regulatory standards by rule; creating s. 400.936, F.S.; requiring proof of accreditation as a prerequisite for licensure or license renewal; providing for temporary licensure; providing for rules relating to designation of accrediting organizations; amending s. 400.95, F.S.; providing for notice of a toll-free telephone number to report fraud and abuse by providers; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 2570** was placed on the calendar of Bills on Third Reading.

On motion by Senator Rich—

CS for CS for CS for SB 1314—A bill to be entitled An act relating to independent living; amending s. 39.013, F.S.; authorizing a child in foster care to petition the court to retain jurisdiction of his or her case; limiting the court's continued jurisdiction to 1 year after the child's 18th birthday; identifying the issues to be considered by the court during its continued jurisdiction; providing that a judicial review hearing is not required; providing an exception; amending s. 39.701, F.S.; requiring the Department of Children and Family Services to include in its judicial review study report verification that the child has been provided with certain information about the Road-to-Independence Scholarship Program and with notice of the child's right to petition the court for continuing jurisdiction; amending s. 409.1451, F.S.; authorizing a child who is eligible for the Road-to-Independence Scholarship Program to continue to reside with a licensed foster family or a group care provider; requiring that the department enroll certain young adults who were formerly in foster care in the Florida KidCare program if they do not otherwise have health insurance or are not eligible for Medicaid; requiring that the Independent Living Services Advisory Council study the most effective way of providing health insurance for young adults in the program for independent living who are not eligible for the Florida KidCare program; requiring the council to report its recommendations to the Legislature; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study to determine the effect the appointment of a guardian ad litem has on the ability of young adults who were formerly in the foster care system; providing for issues to be studied; requiring that a report be prepared and presented to the Governor and the Legislature by a specified date; providing an appropriation; providing an effective date.

—was read the second time by title.

Senator Rich moved the following amendments which were adopted:

Amendment 1 (973888)—On page 2, delete line 18 and insert: Statutes, is amended, and a new subsection (12) is added to that section, to read:

Amendment 2 (281948)—On page 5, between lines 23 and 24, insert:

10. *Has been encouraged to attend all judicial review hearings occurring after his or her 17th birthday.*

Amendment 3 (302340)(with title amendment)—On page 11, line 28 through page 12, line 13, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 2, lines 3-12, delete those lines and insert: recommendations to the Legislature; providing an

Amendment 4 (490392)(with title amendment)—On page 12, between lines 17 and 18, insert:

Section 7. *The Department of Children and Family Services shall adopt rules to administer this act.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 13, after the semicolon (;) insert: requiring the department to adopt rules;

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 5 (572764)(with title amendment)—On page 3, lines 19-25, delete those lines and insert: *his or her 18th birthday. If a petition for special immigrant juvenile status and an application for adjustment of status have been filed on behalf of a foster child and the petition and application have not been granted by the time the child reaches 18 years of age, the court may retain jurisdiction over the dependency case solely for the purpose of allowing the continued consideration of the petition and application by federal authorities. Review hearings for the child shall be set solely for the purpose of determining the status of the petition and application. The court's jurisdiction terminates upon the final decision of the federal authorities. Retention of jurisdiction in this instance does not affect the services available to a young adult under s. 409.1451. The court may not retain jurisdiction of the case after the immigrant child's 22nd birthday.*

(12) *The court shall encourage the Statewide Guardian Ad Litem Office to provide greater representation to those children who are within 1 year of transferring out of foster care.*

And the title is amended as follows:

On page 1, lines 9-11, delete those lines and insert: continued jurisdiction; providing that the jurisdiction of the court terminates under specified conditions; providing that the court encourage the Statewide Guardian Ad Litem Office to provide greater representation to certain children; amending s. 39.701,

Pursuant to Rule 4.19, **CS for CS for CS for SB 1314** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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

BILLS ON THIRD READING

SB 752—A bill to be entitled An act relating to children's summer nutrition programs; providing a popular name; requiring each district school board to develop a plan to sponsor a summer nutrition program; providing criteria for operating summer nutrition program sites; authorizing exemption from sponsoring a summer nutrition program and providing procedures therefor; requiring a district school board to annually reconsider its decision to be exempt; authorizing district school boards to encourage not-for-profit entities to sponsor a summer nutrition program under certain circumstances; authorizing a superintendent of schools to collaborate with specified agencies to implement a summer nutrition program; providing for reporting; directing the Department of Education to provide each district school board with a list of organizations intending to participate; providing an effective date.

—was read the third time by title.

An amendment was considered and adopted to conform **SB 752** to **HB 227**.

Pending further consideration of **SB 752** as amended, on motion by Senator Wise, by two-thirds vote **HB 227** was withdrawn from the Committees on Education; Children and Families; and Education Appropriations.

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

HB 227—A bill to be entitled An act relating to children's summer nutrition programs; providing a popular name; requiring each district school board to develop a plan to sponsor a summer nutrition program; providing criteria for operating summer nutrition program sites; authorizing exemption from sponsoring a summer nutrition program and providing procedures therefor; requiring a district school board to annually reconsider its decision to be exempt; authorizing district school boards to encourage not-for-profit entities to sponsor a summer nutrition program under certain circumstances; authorizing a superintendent of schools to collaborate with specified agencies and private, not-for-profit leaders to implement a summer nutrition program; providing for reporting; directing the Department of Education to provide each district school board with a list of organizations intending to participate; providing an effective date.

—a companion measure, was substituted for **SB 752** as amended and by two-thirds vote read the second time by title. On motion by Senator Wise, by two-thirds vote **HB 227** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Argenziano, the rules were waived and the Committee on Select Medicaid Reform was granted permission to meet Monday, May 2 for two hours, beginning 15 minutes after the meeting of the Special Order Subcommittee of the Committee on Rules and Calendar for discussion of Medicaid proposals.

MOTIONS

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 Monday, May 2.

On motion by Senator Argenziano, the Special Order Calendar for Monday, May 2 was corrected to reflect **CS for CS for SB 1996** in lieu of **CS for SB 1996**.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Margolis, by two-thirds vote **SB 270** and **SB 500** were withdrawn from the committees of reference and further consideration.

On motion by Senator Clary, by two-thirds vote **SB 796**, **SB 2518**, **SB 1782**, **SB 1776** and **SB 2492** were withdrawn from the committees of reference and further consideration.

On motion by Senator Argenziano, by two-thirds vote **CS for SB 2070**, **CS for SB 1624** and **CS for SB 2638** were withdrawn from the Committee on Government Efficiency Appropriations; **CS for SB 696**, **CS for**

SB 1458, CS for SB 1732, CS for SB 2032 and CS for CS for SB 2086 were withdrawn from the Committee on Ways and Means; **CS for SB 2348** was withdrawn from the Committees on Banking and Insurance; Community Affairs; and Ways and Means; **CS for SB 584** was withdrawn from the Committee on Education Appropriations; **CS for CS for SB 330, CS for SB 1542, CS for SB 1830 and CS for SB 1866** were withdrawn from the Committee on General Government Appropriations; **CS for CS for SB's 1944 and 2008** was withdrawn from the Committee on Governmental Oversight and Productivity; **SB 2614** was withdrawn from the Committee on Judiciary; **CS for SB 2352** was withdrawn from the Committee on Justice Appropriations; **CS for SB 676, CS for CS for SB 1442, SB 1746 and CS for CS for SB 1810** were withdrawn from the Committee on Rules and Calendar; and **CS for SB 1372 and CS for CS for CS for SB 1598** were withdrawn from the Committee on Transportation and Economic Development Appropriations.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Friday, April 29, 2005: CS for SB 214, CS for SB 1498, CS for CS for CS for SB 2, CS for SB 282, CS for CS for SB 2236, CS for CS for SB 2264, CS for SB 786, CS for SB 2542, CS for CS for SB 1264, CS for CS for SB 1110, HB 1889, CS for SB 1592, SB 308, CS for SB 1208, CS for SB 2214, CS for SB 1232, CS for SB 1702, CS for CS for SB 428, CS for SB 1354, SB 1688, CS for CS for SB 2232, SB 1042, CS for CS for SB 1520, CS for CS for SB 1090, SB 2148, CS for CS for SB 1968, CS for SB 2222, CS for SB 1492, CS for SB 546, CS for SB 60, CS for CS for CS for SB 1770, CS for SB 1024, CS for CS for SB 1766, CS for SB 738, CS for CS for SB 782, CS for CS for SB 1652, CS for SB 1926, CS for SB 2344, CS for CS for CS for SB 2346, CS for SB 2036, SB 2452, CS for SB 1124, CS for SB 1988, SB 2118, CS for CS for SB 2570, CS for CS for CS for SB 1314

Respectfully submitted,
Ken Pruitt, Chair

The Committee on Community Affairs recommends a committee substitute for the following: CS for SB 2616

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

The Committee on Judiciary recommends a committee substitute for the following: CS for SB 2022

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

The Committee on Judiciary recommends committee substitutes for the following: CS for SB 1996, CS for SB 2086

The Committee on Ways and Means recommends committee substitutes for the following: CS for SB 332, CS for CS for SB 444

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

COMMITTEE SUBSTITUTES

FIRST READING

By the Committees on Ways and Means; Environmental Preservation; and Senator Dockery—

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

By the Committees on Ways and Means; Governmental Oversight and Productivity; Environmental Preservation; and Senators Dockery and Argenziano—

CS for CS for CS for SB 444—A bill to be entitled An act relating to the development of water supplies; amending s. 373.019, F.S.; defining the terms “alternative water supply,” “capital costs,” and “multijurisdictional water supply entities”; amending s. 373.196, F.S.; encouraging cooperation in the development of water supplies; providing for alternative water supply development; encouraging municipalities, counties, and special districts to create regional water supply authorities; establishing the primary roles of the water management district in alternative water supply development; establishing the primary roles of local governments, regional water supply authorities, special districts, and publicly owned and privately owned water utilities in alternative water supply development; requiring the water management districts to detail the specific allocations to be used for alternative water supply development in their annual budget submission; amending s. 373.1961, F.S.; providing general powers and duties of the water management districts in water production; requiring that the water management districts include the amount needed to implement the water supply development projects in each annual budget; establishing general funding criteria for funding assistance to the state or water management districts; establishing economic incentives for alternative water supply development; creating a funding formula for the distribution of state funds to the water management districts for alternative water supply development; requiring that funding assistance for alternative water supply development be limited to a percentage of the total capital costs of an approved project; establishing a selection process and criteria; providing for cost recovery from the Public Service Commission; amending s. 373.1962, F.S.; clarifying that counties, municipalities, and special districts may execute interlocal agreements to create regional water supply authorities; amending s. 373.223, F.S.; establishing criteria for certain water supply entities to be presumed to have a use consistent with the public interest for requirements for consumptive use permitting; amending s. 373.236, F.S.; providing permits of at least 20 years for development of alternative water supplies under certain conditions; amending s. 373.459, F.S.; requiring that entities receiving state funding for implementation of surface water improvement and management projects provide a 50-percent match of cash or in-kind services; amending s. 373.0361, F.S.; providing for the development of regional water supply plans; providing requirements for the content of each plan; providing for an approval process for the plans; providing for annual updates; providing for local government use of the plans; providing notification requirements for water management districts concerning findings within the plan; requiring identified entities to select alternative water supply projects and provide periodic status reports; changing the deadline for certain plan updates; amending s. 163.3177, F.S.; requiring a local government to incorporate alternative water supply projects into the comprehensive plan; requiring local governments to identify specific projects needed; providing for cooperative planning; amending s. 163.3180, F.S.; requiring adequate water supplies to serve new development; amending s. 163.3191, F.S.; requiring the evaluation and appraisal report to evaluate the degree to which the local government has implemented the work plan for regional water supply facilities, including development of alternative water supplies necessary to serve existing and new development; amending s. 403.067, F.S.; providing that initial allocation of allowable pollutant loads between point and nonpoint sources may be developed as part of a total maximum daily load; establishing criteria for establishing initial and detailed allocations to attain pollutant reductions; authorizing the Department of Environmental Protection to adopt phased total maximum daily loads that establish incremental total maximum daily loads under certain conditions; requiring the development of basin management action plans; requiring that basin management action plans integrate the appropriate management strategies to achieve the total maximum daily loads; requiring that the plans establish a schedule for implementing management strategies; requiring that a basin management action plan equitably allocate pollutant reductions to individual basins or to each identified point source or category of nonpoint sources; authorizing that plans may provide pollutant load reduction credits to dischargers that have implemented strategies to reduce pollutant loads prior to the development of the basin management action plan; requiring that the plan identify mechanisms by which potential future sources of pollution will be addressed; requiring that the department assure key stakeholder participation in the basin management action planning process; requiring that the department hold at least one public meeting to discuss and receive comments during the planning process; providing notice requirements; requiring that the department

adopt all or part of a basin management action plan by secretarial order pursuant to ch. 120, F.S.; requiring that basin management action plans that alter that calculation or initial allocation of a total maximum daily load, the revised calculation, or initial allocation must be adopted by rule; requiring periodic evaluation of basin management action plans; requiring that revisions to plans be made by the department in cooperation with stakeholders; providing for basin plan revisions regarding nonpoint pollutant sources; requiring that adopted basin management action plans be included in subsequent NPDES permits or permit modifications; providing that implementation of a total maximum daily load or basin management action plan for holders of an NPDES municipal separate stormwater sewer system permit may be achieved through the use of best management practices; providing that basin management action plans do not relieve a discharger from the requirement to obtain, renew, or modify an NPDES permit or to abide by other requirements of the permit; requiring that plan management strategies be completed pursuant to the schedule set forth in the basin management action plan and providing that the implementation schedule may extend beyond the term of an NPDES permit; providing that management strategies and pollution reduction requirements in a basin management action plan for a specific pollutant of concern are not subject to a challenge under ch. 120, F.S., at the time they are incorporated, in identical form, into a subsequent NPDES permit or permit modification; requiring timely adoption and implementation of pollutant reduction actions for nonagricultural pollutant sources not subject to NPDES permitting but regulated pursuant to other state, regional, or local regulatory programs; requiring timely implementation of best management practices for nonpoint pollutant source dischargers not subject to permitting at the time a basin management action plan is adopted; providing for presumption of compliance under certain circumstances; providing for enforcement action by the department or a water management district; requiring that a landowner, discharger, or other responsible person that is implementing management strategies specified in an adopted basin management action plan will not be required by permit, enforcement action, or otherwise to implement additional management strategies to reduce pollutant loads; providing that the authority of the department to amend a basin management plan is not limited; requiring that the department verify at representative sites the effectiveness of interim measures, best management practices, and other measures adopted by rule; requiring that the department use its best professional judgment in making initial verifications that best management practices are not effective; requiring notice to the appropriate water management district and the Department of Agriculture and Consumer Services under certain conditions; establishing a presumption of compliance for implementation of practices initially verified to be effective or verified to be effective at representative sites; limiting the institution of proceedings by the department against the owner of a source of pollution to recover costs or damages associated with the contamination of surface water or groundwater caused by those pollutants; requiring the Department of Agriculture and Consumer Services to institute a reevaluation of best management practices or other measures where water quality problems are detected or predicted during the development or amendment of a basin management action plan; providing for rule revisions; providing the department with rulemaking authority; requiring that a report be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives containing recommendations on rules for pollutant trading prior to the adoption of those rules; requiring that recommendations be developed in cooperation with a technical advisory committee containing experts in pollutant trading and representatives of potentially affected parties; deleting a requirement that no pollutant trading program shall become effective prior to review and ratification by the Legislature; amending ss. 373.4595 and 570.085, F.S.; correcting cross-references; amending s. 403.885, F.S.; revising requirements relating to the department's grant program for water quality improvement and water restoration project grants; eliminating grants for water quality improvement, water management, and drinking water projects; authorizing grants for wastewater management; creating additional criteria for funding storm water grants; requiring local matching funds; providing an exception from matching fund requirements for financially disadvantaged small local governments; creating s. 403.890, F.S.; establishing the Water Protection and Sustainability Program; establishing a funding formula for the distribution of revenues; providing for legislative review; providing an effective date.

By the Committees on Judiciary; Criminal Justice; and Senators Alexander, Lynn, Baker, Posey, Haridopolos, Atwater, Bennett, Sebesta, Wise and Argenziano—

CS for CS for SB 1996—A bill to be entitled An act relating to the petition process; providing a short title; amending s. 99.097, F.S.; revising requirements for verification of signatures on petitions; prescribing limits on use of paid petition circulators; providing procedures to contest alleged improper signature verification; amending s. 100.371, F.S.; revising procedures for placing an initiative on the ballot; providing requirements for information to be contained on petitions; providing procedure for revocation of a petition signature; requiring a statement on the ballot regarding the financial impact statement; creating s. 100.372, F.S.; providing regulation for initiative petition circulators and their activities; amending s. 101.161, F.S.; conforming a cross-reference; amending s. 101.62, F.S.; conforming a cross-reference; amending s. 104.012, F.S.; providing criminal penalties for specified offenses involving voter registration applications; amending s. 104.185, F.S.; proscribing specified actions involving petitions and providing or increasing criminal penalties therefor; amending s. 104.42, F.S.; prescribing duties of supervisors of elections with respect to unlawful registrations, petitions, and voting; providing for verifying and counting signatures submitted for verification before the effective date of the act; requiring resubmission and reapproval of petition forms; providing severability; providing an effective date.

By the Committees on Judiciary; Ethics and Elections; and Senator Posey—

CS for CS for SB 2022—A bill to be entitled An act relating to constitutional amendments; amending s. 16.061, F.S.; requiring the Attorney General to provide to the Secretary of State and sponsor a copy of the petition to the Supreme Court requesting an advisory opinion as to the validity of an initiative petition; requiring that the Supreme Court render certain advisory opinions by April 1 of a general election year; amending s. 100.371, F.S.; requiring that initiative petitions be filed by February 1 of a general election year in order to be placed on the ballot; requiring that financial impact statements include certain information; revising submission requirements of the Financial Impact Estimating Conference; permitting challenge of financial impact statements in circuit court; providing an effective date.

By the Committees on Judiciary; Ethics and Elections; and Senator Posey—

CS for CS for SB 2086—A bill to be entitled An act relating to elections; amending s. 97.012, F.S.; exempting certain voter-education activities from requirements for competitive solicitation; authorizing the Secretary of State to investigate voter fraud; authorizing the Department of State to adopt rules; amending s. 97.021, F.S.; defining the term “marksense ballots”; defining the terms “early voting area,” “early voting site,” and “third-party voter registration organization”; creating s. 97.029, F.S.; providing for attorney's fees and costs in any action for injunctive relief or an action challenging an election law or voter-registration law; requiring an itemized affidavit; providing for review of an award of attorney's fees and costs; providing a limitation on the amount awarded; amending s. 97.051, F.S.; revising the oath required upon registering to vote; amending s. 97.052, F.S.; revising the contents of the uniform statewide voter registration application; amending s. 97.053, F.S.; revising provisions governing the acceptance of voter registration applications by the supervisor of elections; requiring that an applicant complete a registration application before the date of book closing in order to be eligible to vote in that election; revising the information required on the registration application; amending s. 97.055, F.S.; limiting the updates that may be made to registration information following book closing; creating s. 97.0575, F.S.; providing requirements for third-party voter registration organizations that collect voter-registration applications; providing fines for failure to deliver applications as required; authorizing the Division of Elections to adopt rules to administer provisions governing third-party voter registration organizations; amending s. 97.071, F.S.; specifying the information to be included on the registration identification card; amending s. 98.045, F.S.; deleting a cross-reference; amending s. 98.077, F.S.; revising the procedures for updating a voter signature used to verify an absentee ballot or provi-

sional ballot; amending s. 99.061, F.S.; providing for qualifying for nomination or election by the petition process; requiring the filing of statements of financial interest; requiring that a qualifying officer accept certain qualifying papers filed before the qualifying period; amending s. 99.063, F.S.; providing filing requirements for public officers; amending s. 99.092, F.S., relating to qualifying fees; clarifying provisions governing qualifying for nomination or election by the petition process to conform to changes made by the act; amending s. 99.095, F.S.; revising the requirements for qualifying as a candidate by a petition process in lieu of paying a qualifying fee and party assessment; providing requirements for submitting petitions and certifications; requiring that the division or supervisor of elections, as applicable, determine whether the required number of signatures has been obtained; amending s. 99.0955, F.S.; providing procedures for a candidate having no party affiliation to qualify by the petition process; amending s. 99.096, F.S.; revising the procedures for a minor political party to submit nominated candidates to be on the general election ballot; providing for candidates to qualify by the petition process; amending s. 99.09651, F.S., relating to signature requirements for ballot position; conforming provisions to changes made by the act; amending s. 100.011, F.S.; requiring that an elector in line at the time the polls close be allowed to vote; amending s. 100.101, F.S.; revising the circumstances under which a special election or primary is held; amending s. 100.111, F.S.; revising requirements for filling a vacancy in a nomination; requiring that ballots cast for a former nominee be counted for the person designated to replace the nominee under certain circumstances; amending s. 100.141, F.S., relating to the notice of a special election; conforming provisions to changes made by the act; amending s. 101.031, F.S.; revising the Voter's Bill of Rights to authorize a provisional ballot if a person's identity is in question; amending s. 101.043, F.S.; revising the procedures for a voter to provide identification when voting; amending s. 101.048, F.S.; providing for certain additional voters to cast provisional ballots; providing requirements for presenting evidence in support of a person's right to vote; requiring that the county canvassing board count such a ballot unless it determines by a preponderance of the evidence that the person was not entitled to vote; requiring that a person casting a provisional ballot be informed of certain rights; amending s. 101.049, F.S.; providing requirements for ballots for persons with disabilities; amending s. 101.051, F.S.; prohibiting certain solicitations to provide assistance to an elector; providing a penalty; authorizing an elector to request that a person other than an election official provide him or her with assistance in voting; providing for the form of the oath to be signed; amending s. 101.111, F.S.; revising the requirements for challenging an elector's right to vote; providing a penalty for filing a frivolous challenge; amending s. 101.131, F.S.; revising requirements for poll watchers; authorizing certain political committees to have poll watchers; prohibiting a poll watcher from interacting with a voter; providing for poll watchers at early voting areas; amending s. 101.151, F.S.; providing requirements for marksense ballots; amending s. 101.171, F.S.; requiring that a copy of a proposed constitutional amendment be available at voting locations; amending s. 101.294, F.S.; prohibiting a vendor of voting equipment from providing systems, components, or system upgrades to a local governing body or supervisor of elections which have not been certified by the Division of Elections; requiring that the vendor provide sworn certification of such equipment; amending s. 101.295, F.S.; providing a penalty for providing voting equipment in violation of ch. 101, F.S.; amending s. 101.49, F.S.; revising the procedures for verifying an elector's signature; amending s. 101.51, F.S.; requiring that an elector occupy a voting booth alone; amending s. 101.5606, F.S., relating to 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 requirements for testing voting equipment; amending s. 101.5614, F.S.; correcting a cross-reference; amending s. 101.572, F.S.; requiring that the supervisor of elections notify the candidates if ballots are examined before the end of the contest; amending s. 101.58, F.S.; authorizing employees of the department to have access to the premises, records, equipment, and staff of the supervisors of elections; amending s. 101.595, F.S.; requiring that certain overvotes and undervotes be reported to the department; amending s. 101.6103, F.S.; authorizing the canvassing board to begin canvassing before the election; prohibiting the release of results before election day; providing a penalty for any early release of results; requiring that a mail ballot that otherwise satisfies the requirements of law for mail ballots be counted even if the elector dies after mailing the ballot but before election day if certain conditions are met; amending s. 101.62, F.S.; revising the requirements for mailing absentee ballots to voters; amending s. 101.64, F.S.; providing for an oath to be provided to persons voting absentee under the Uniformed and

Overseas Citizens Absentee Voting Act; 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; requiring that an early voting ballot that otherwise satisfies the requirements of law for early voting ballots be counted even if the elector dies on or before election day; amending s. 101.663, F.S.; providing for certain persons to vote absentee after moving to another state; amending s. 101.68, F.S.; prohibiting changing a voter's certificate after the absentee ballot is received by the supervisor; providing that electors who die on or before election day and have cast an absentee ballot shall remain on the voter registration books until the election is certified; providing that the ballot of an elector who casts an absentee ballot shall be counted even if the elector dies on or before election day if certain conditions are met; amending s. 101.69, F.S.; prohibiting a voter from voting another ballot after casting an absentee ballot; providing for a provisional ballot under certain circumstances; amending s. 101.6923, F.S.; providing for the form of the printed instructions on an absentee ballot; amending s. 101.694, F.S.; providing requirements for absentee envelopes printed for voters voting under the Uniformed and Overseas Citizens Absentee Voting Act; amending s. 101.697, F.S.; requiring the Department of State to determine whether secure electronic ballots may be provided for overseas voters; requiring that the department adopt rules for accepting overseas ballots; amending s. 102.012, F.S.; requiring the supervisor of elections to appoint an election board before any election; providing duties of the board; amending s. 102.014, F.S.; requiring that the Division of Elections develop a uniform training curriculum for poll workers; amending s. 102.031, F.S.; providing requirements for maintaining order at early voting areas; requiring the designation of a no-solicitation zone; prohibiting photography in a polling room or early voting area; amending s. 102.071, F.S.; revising requirements for tabulating votes; amending s. 102.111, F.S.; providing for corrections to be made to the official election returns; amending s. 102.112, F.S.; requiring that a return contain a certification by the canvassing board; authorizing the Department of State to correct typographical errors; amending s. 102.141, F.S.; revising requirements for the canvassing boards in submitting returns to the department; providing requirements for the report filed by the canvassing board; requiring the department to adopt rules for filing results and statistical information; amending s. 102.166, F.S.; revising the circumstances under which a manual recount may be ordered; amending s. 102.168, F.S.; requiring that complaints be filed with the board responsible for certifying the election results; specifying the parties to an action who may contest an election or nomination; amending s. 103.021, F.S.; providing for nomination of presidential electors by the state executive committee of each political party; defining the term "national party" for purposes of nominating a candidate for President and Vice President of the United States; amending ss. 103.051 and 103.061, F.S.; specifying duties of the presidential electors; amending s. 103.121, F.S.; revising powers and duties of executive committees to conform to changes made by the act; amending s. 105.031, F.S.; providing for public officers to file a statement of financial interests at the time of qualifying; requiring that a filing officer accept certain qualifying papers filed before the qualifying period; amending s. 105.035, F.S.; revising procedures for qualifying for certain judicial offices and the office of school board member; prohibiting a candidate from obtaining signatures until appointing a campaign treasurer and designating a campaign depository; revising the requirements for the supervisor of elections with respect to certifying signatures; creating s. 106.022, F.S.; requiring that a political committee, committee of continuous existence, or electioneering communications entity maintain a registered office and registered agent; providing requirements for the statement of appointment; amending s. 106.24, F.S.; clarifying the duties of the Secretary of State; amending s. 106.141, F.S., relating to the disposition of surplus funds; conforming provisions to changes made by the act; transferring and renumbering s. 98.122, F.S., relating to the use of closed captioning and descriptive narrative in television broadcasts; amending s. 106.22, F.S.; eliminating certain duties of the Division of Elections with respect to reports to the Legislature and preliminary investigations; amending s. 16.56, F.S.; authorizing the Office of Statewide Prosecution to investigate and prosecute crimes involving voter registration, voting, or certain petition activities; amending s. 119.07, F.S.; clarifying requirements of the supervisor of elections with respect to notifying candidates of the inspection of ballots; amending s. 145.09, F.S.; requiring that the Department of State adopt rules

establishing certification requirements for supervisors of elections; creating s. 104.0615, F.S.; providing a short title; prohibiting a person from using or threatening to use force, violence, or intimidation to induce or compel an individual to vote or refrain from voting, to refrain from registering to vote, or to refrain from acting as an election official or poll watcher; prohibiting a person from knowingly using false information to challenge an individual's right to vote, to induce an individual to refrain from registering to vote, or to induce or attempt to induce an individual to refrain from acting as an election official or poll watcher; prohibiting a person from knowingly destroying, mutilating, or defacing a voter registration form or election ballot or obstructing or delaying the delivery of a voter registration form or election ballot; providing criminal penalties; repealing ss. 98.095, 98.0979, 98.181, 98.481, 101.253, 101.635, 102.061, 106.085, and 106.144, F.S., relating to inspections of county registers and the voter database, indexes and records, challenges to elections, the printing and distribution of ballots, duties of the election board, expenditures, and endorsements or opposition by certain groups; providing for severability; providing effective dates.

By the Committees on Community Affairs; Domestic Security; and Senator Clary—

CS for CS for SB 2616—A bill to be entitled An act relating to emergency management; amending s. 252.355, F.S.; specifying additional agencies that are required to provide registration information to special needs clients and persons with disabilities or special needs who receive services from such agencies for purposes of inclusion within the registry of persons with special needs maintained by local emergency management agencies; providing that the Department of Community Affairs shall be the designated lead agency responsible for community education and outreach to the general public, including special needs clients, regarding registration as a person with special needs, special needs shelters, and general information regarding shelter stays; requiring the department to disseminate educational and outreach information through local emergency management offices; requiring the department to coordinate community education and outreach related to special needs shelters with specified agencies and entities; providing that specified confidential and exempt information relating to registration of persons with special needs be provided to the Department of Health; amending s. 381.0303, F.S.; providing for the operation, maintenance, and closure of special needs shelters; removing a condition of specified funding as a prerequisite to the assumption of lead responsibility by the Department of Health for specified coordination with respect to the development of a plan for the staffing and medical management of special needs shelters; providing that the local Children's Medical Services offices shall assume lead responsibility for specified coordination with respect to the development of a plan for the staffing and medical management of pediatric special needs shelters; requiring such plans to conform to the local comprehensive emergency management plan; requiring county governments to assist in the process of coordinating the recruitment of health care practitioners to staff local special needs shelters; providing that the appropriate county health department, Children's Medical Services office, and local emergency management agency shall jointly determine the responsibility for medical supervision in a special needs shelter; requiring local emergency management agencies to be responsible for the closure of special needs shelters following an emergency; providing that state employees with a preestablished role in disaster response may be called upon to serve in times of disaster in specified capacities; requiring the Secretary of Elderly Affairs to convene a multiagency emergency special needs shelter response team or teams to assist local areas that are severely impacted by a natural or manmade disaster that required the use of special needs shelters; providing duties and responsibilities of multiagency response teams; authorizing local emergency management agencies to request the assistance of a multiagency response team; providing for the inclusion of specified state agency representatives on each multiagency response team; authorizing hospitals and nursing homes that are used to shelter special needs persons during or after an evacuation to submit invoices for reimbursement to the Department of Health; requiring the department to specify by rule expenses that are reimbursable and the rate of reimbursement for services; prescribing means of and procedures for reimbursement; providing eligibility for reimbursement of health care facilities to whom special needs shelter clients have been discharged by a multiagency response team upon closure of a special needs shelter; providing requirements with respect to such reimbursement; prescribing means of and procedures for reimbursement; disallowing specified reimbursements;

revising the role of the special needs shelter interagency committee with respect to the planning and operation of special needs shelters; providing required functions of the committee; providing that the committee shall recommend guidelines to establish a statewide database to collect and disseminate special needs registration information; revising the composition of the special needs shelter interagency committee; requiring the inclusion of specified rules with respect to special needs shelters and specified minimum standards therefor; providing requirements with respect to emergency management plans submitted by a home health agency, nurse registry, or hospice to a county health department for review; removing a condition of specified funding as a prerequisite to the submission of such plans; amending s. 252.385, F.S.; requiring the Division of Emergency Management of the Department of Community Affairs to prepare and submit a statewide emergency shelter plan to the Governor and the Cabinet for approval; providing plan requirements; requiring the Department of Health to assist the division in determining the estimated need for special needs shelter space; requiring inspection of public hurricane evacuation shelter facilities by local emergency management agencies prior to activation of such facilities; amending s. 400.492, F.S.; providing that nurse registries, hospices, and durable medical equipment providers shall prepare and maintain a comprehensive emergency management plan; providing that home health, hospice, and durable medical equipment provider agencies shall not be required to continue to provide care to patients in emergency situations that are beyond their control and that make it impossible to provide services; authorizing home health agencies, nurse registries, hospices, and durable medical equipment providers to establish links to local emergency operations centers to determine a mechanism to approach areas within a disaster area in order for the agency to reach its clients; providing that the presentation of home care or hospice clients to the special needs shelter without the home health agency or hospice making a good faith effort to provide services in the shelter setting constitutes abandonment of the client; requiring regulatory review in such cases; amending s. 408.831, F.S.; providing that entities regulated or licensed by the Agency for Health Care Administration may exceed their licensed capacity to act as a receiving facility under specified circumstances; providing requirements while such entities are in an overcapacity status; providing for issuance of an inactive license to such licensees under specified conditions; providing requirements and procedures with respect to the issuance and reactivation of an inactive license; providing fees; creating s. 252.357, F.S., requiring the Florida Comprehensive Emergency Management Plan to permit the Agency for Health Care Administration to initially contact nursing homes in disaster areas for specified monitoring purposes; requiring the agency to publish an emergency telephone number for use by nursing homes; 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 805; has passed as amended HB 69, HB 227, HB 499, HB 501, HB 551, HB 871, HB 989, HB 1019, HB 1089, HB 1395, HB 1417, HB 1527, HB 1589, HB 1817; has passed as amended by the required constitutional two-thirds vote of the members voting HB 449, HB 1091, HB 1591, HB 1939 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Williams and others—

HB 805—A bill to be entitled An act relating to an exemption from the tax on sales, use, and other transactions for solar energy systems; amending s. 212.08, F.S.; deleting a scheduled repeal of such exemption; providing an effective date.

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

By Representative Quinones and others—

HB 69—A bill to be entitled An act relating to fire prevention and control; providing a popular name; creating s. 633.115, F.S.; creating the Fire and Emergency Incident Information Reporting Program within the Division of State Fire Marshal; providing program requirements; providing duties of the division relating to the program; creating the Fire and Emergency Incident Information System Technical Advisory Panel within the division; providing for membership and duties of the panel; requiring the division to adopt certain rules; amending s. 633.171, F.S.; providing definitions; providing criminal penalties for initiating a pyrotechnic display in certain structures under certain circumstances; providing exceptions; providing construction; providing application; amending s. 633.821, F.S.; providing additional criteria for certain rules of the Division of State Fire Marshal; requiring the division to adopt rules relating to live fire training; providing requirements; providing for such rules to take effect; requiring state certification as an instructor for certain training after a certain date; providing an exception from application to certain wildland or prescribed live-fire training exercises; amending s. 932.7055, F.S.; providing that proceeds from the sale of certain forfeited property be deposited into the Insurance Regulatory Trust Fund and used for specified purposes; providing an effective date.

—was referred to the Committees on Banking and Insurance; Criminal Justice; and General Government Appropriations.

By Representative Greenstein and others—

HB 227—A bill to be entitled An act relating to children's summer nutrition programs; providing a popular name; requiring each district school board to develop a plan to sponsor a summer nutrition program; providing criteria for operating summer nutrition program sites; authorizing exemption from sponsoring a summer nutrition program and providing procedures therefor; requiring a district school board to annually reconsider its decision to be exempt; authorizing district school boards to encourage not-for-profit entities to sponsor a summer nutrition program under certain circumstances; authorizing a superintendent of schools to collaborate with specified agencies and private, not-for-profit leaders to implement a summer nutrition program; providing for reporting; directing the Department of Education to provide each district school board with a list of organizations intending to participate; providing an effective date.

—was referred to the Committees on Education; Children and Families; and Education Appropriations.

By Representative Antone and others—

HB 499—A bill to be entitled An act relating to property appraiser assessments; amending s. 193.023, F.S.; requiring property appraisers to physically inspect property every 5 years for certain purposes; amending s. 193.501, F.S.; revising a definition; providing an effective date.

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

By Representative Berfield—

HB 501—A bill to be entitled An act relating to insurance field representatives and operations; amending s. 626.321, F.S.; including service warranty agreement sales covering communications equipment under certain limited licensing provisions; providing for additional appointment authority for certain licensed branch locations of a communications equipment retail vendor; revising certain application, appointment, and licensing requirements for certain entities; providing for payment of appointment fees; providing an exception; requiring renewals of appointments; providing for a renewal fee; amending s. 626.731, F.S.; revising a qualification for licensure as a general lines agent; amending s. 627.7295, F.S.; deleting a requirement for inclusion of an agent fee in a rate filing; providing an effective date.

—was referred to the Committees on Banking and Insurance; Commerce and Consumer Services; and General Government Appropriations.

By Representative Hays and others—

HB 551—A bill to be entitled An act relating to financial responsibility for operation of motor vehicles; amending s. 324.021, F.S.; revising the definition of "rental company" for purposes of an exclusion from an exemption from application of certain limits of liability provisions to include certain related rental or leasing companies and certain holders of a motor vehicle title or an equity interest in a motor vehicle title under certain circumstances; providing an effective date.

—was referred to the Committees on Transportation; Banking and Insurance; and Judiciary.

By Representative Bilirakis and others—

HB 871—A bill to be entitled An act relating to deposit of public funds; amending s. 17.57, F.S.; providing additional authorization for the Chief Financial Officer to deposit state funds; amending s. 218.415, F.S.; providing additional authorization for units of local government to deposit surplus local government funds; amending s. 280.03, F.S.; exempting certain public deposits from the security for public deposits requirements of chapter 280, F.S.; providing an effective date.

—was referred to the Committees on Banking and Insurance; Governmental Oversight and Productivity; and Ways and Means.

By Representative Mayfield and others—

HB 989—A bill to be entitled An act relating to public marinas and boat ramps; amending s. 373.118, F.S.; directing the Department of Environmental Protection to adopt rules to authorize local governments to construct and maintain all facilities, including public marinas and boat ramps; exempting certain facilities from development-of-regional-impact review; providing for regulatory criteria; providing for the use of submerged lands; amending s. 403.813, F.S.; revising permit exemption requirements for floating vessel platforms or floating boat lifts; providing an effective date.

—was referred to the Committees on Environmental Preservation; Community Affairs; General Government Appropriations; and Ways and Means.

By Representative Pickens and others—

HB 1019—A bill to be entitled An act relating to asbestos and silica claims; providing a popular name; providing legislative findings; providing purposes; providing definitions; requiring physical impairment as an essential element of a claim; providing criteria for prima facie evidence of physical impairment for claims and certain actions; providing an exception; providing additional requirements for evidence relating to physical impairment; specifying absence of certain presumptions at trial; providing procedures for claims and certain actions; providing for consolidation; providing for venue; providing for preliminary proceedings; requiring new asbestos and silica claims to include certain information; specifying certain limitation periods for certain claims; specifying distinct causes of action for certain conditions; limiting damages under certain circumstances; prohibiting a general release from liability; prohibiting award of punitive damages; providing for collateral source payments; specifying liability rules applicable to certain persons; providing construction; providing legislative intent; providing severability; providing application to certain civil actions; providing an effective date.

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

By Representative Greenstein—

HB 1089—A bill to be entitled An act relating to independent postsecondary education; amending s. 1005.31, F.S.; providing requirements of independent postsecondary educational institutions licensed by the Commission for Independent Education; providing requirements for an

investigative process for licensure of applicants; revising provisions relating to applicant status; providing for inspections; creating s. 1005.375, F.S.; specifying acts that constitute violations and providing penalties therefor; amending s. 1005.38, F.S.; providing requirements for investigation of a suspected violation of the chapter or rules; providing additional grounds for disciplinary actions; providing for a final order to dismiss a complaint or impose specified penalties; providing for imposition and collection of an assessment relating to investigation and prosecution of a case; providing for an emergency suspension or restriction order; creating s. 1005.385, F.S.; requiring the commission to adopt rules relating to issuance of a citation to an institution and violations for which a citation may be issued; specifying requirements for issuance; amending s. 1010.83, F.S.; providing for the inclusion in the Institutional Assessment Trust Fund of fees and fines imposed on institutions; specifying separate accounts; revising uses of funds in the trust fund; providing an effective date.

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

By Representative Murzin and others—

HB 1395—A bill to be entitled An act relating to beach safety; amending s. 380.276, F.S.; revising the provisions for the placement of uniform warning and safety flags at public beaches; prohibiting the display of flags not specifically developed by the Department of Environmental Protection; revising liability provisions; authorizing the department to develop and distribute information and materials related to beach safety; providing an effective date.

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

By Representative Murzin and others—

HB 1417—A bill to be entitled An act relating to land surveying and mapping; 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; amending s. 472.005, F.S.; providing a definition of “photogrammetrist”; amending s. 472.007, F.S.; conforming a provision to the definition of photogrammetrist; providing an effective date.

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

By Representative Lopez-Cantera and others—

HB 1527—A bill to be entitled An act relating to disposition of unclaimed property; amending s. 717.106, F.S.; specifying communication by documented telephone contact to avoid a presumption of certain property being unclaimed; amending s. 717.1101, F.S.; decreasing a time period for a presumption of stock, equity interest, and certain debt of a business association being unclaimed; specifying criteria for certain other property of a business association being presumed unclaimed; amending s. 717.117, F.S.; revising requirements for notifying owners of inactive accounts; amending s. 717.118, F.S.; increasing a threshold amount for a requirement for an active attempt to notify owners of unclaimed property; amending s. 717.119, F.S.; revising provisions for disposal of proceeds of sales of unclaimed firearms or ammunition; amending s. 717.122, F.S.; providing for sale of unclaimed stock or certain equity interest under certain circumstances; amending s. 717.124, F.S.; revising requirements for making unclaimed property claims; amending s. 717.12404, F.S.; revising requirements for making claims on behalf of a business entity or trust; creating s. 717.12406, F.S.; providing definitions; amending s. 717.1241, F.S.; revising requirements and procedures for resolving conflicting claims; amending s. 717.1242, F.S.; requiring the ordering of estate or heirs to pay the Department of Financial Services certain costs and fees; amending s. 717.1243, F.S.; revising

requirements and procedures for claims by beneficiaries of deceased owners of unclaimed property; creating s. 717.1245, F.S.; requiring petitioners for writs of garnishment to pay the department certain costs and fees in certain actions; amending s. 717.1311, F.S.; deleting a provision requiring certain record holders to pay certain estimated amounts relating to insufficient records; amending s. 717.1315, F.S.; revising requirements and procedures for retention of records by an owner's representative; amending s. 717.132, F.S.; providing for imposition of fines by a court instead of the department; amending s. 717.1322, F.S.; providing for civil enforcement by the department of certain violations; revising the department's authority to issue certain registration revocation orders; creating s. 717.1323, F.S.; specifying a prohibited practice; amending s. 717.1331, F.S.; authorizing the department to enforce subpoenas; amending s. 717.1333, F.S.; authorizing the estimation of certain amounts due from insufficient records; amending s. 717.135, F.S.; revising requirements for powers of attorney to recover property; specifying forms; specifying certain activities as not prohibited; prohibiting certain modifications to a power of attorney; amending s. 717.1351, F.S.; revising requirements for contracts to acquire ownership of or entitlement to property; specifying forms; specifying certain activities as not prohibited; prohibiting certain modifications to an agreement; providing rule-making authority to the department to specify what evidence may identify a seller; creating s. 717.1381, F.S.; specifying certain powers of attorney and agreements to be void as contrary to public policy; prohibiting entering into such agreements; providing application; amending s. 717.1400, F.S.; revising registration requirements; providing an effective date.

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

By Representative Brown—

HB 1589—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 Florida 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.; providing rulemaking authority to make forms available in alternative formats and via the Internet; removing 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; providing for the failure of a voter registration applicant to answer questions on the voter registration application; 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 requirements for the 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 cancella-

tion 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 establish and maintain a statewide voter registration database and provide such database to the Legislature; specifying the required contents of the database; 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. 100.371, F.S.; revising the procedure by which constitutional amendments proposed by initiative shall be placed on the ballot; amending s. 101.001, F.S.; revising requirements of supervisors relating to precincts and precinct boundaries; providing exceptions; 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.; correcting 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.; correcting 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 of 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. 106.0705, F.S.; providing for the timely filing of certain reports; amending s. 106.34, F.S.; revising provisions relating to certain candidate expenditure limits; providing a definition; 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.; revising provisions relating to the method of qualifying for nomination 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; providing effective dates.

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

By the Committee on Governmental Operations; and Representative Kottkamp—

HB 1817—A bill to be entitled An act relating to review under the Open Government Sunset Review Act; amending s. 288.99, F.S., the “Certified Capital Company Act”; removing the October 2, 2005, repeal of information relating to an active investigation or office review of a certified capital company scheduled under the Open Government Sunset Review Act; narrowing the exemption; eliminating the exemption from public records requirements for social security numbers of any customers of a certified capital company, complainants, or persons associated with a certified capital company or qualified business; eliminating references to specified premium tax credits under the act designated as “Program One” and “Program Two”; providing editorial and conforming changes; providing for the future repeal of the Certified Capital Company Act; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Banking and Insurance; Governmental Oversight and Productivity; Government Efficiency Appropriations; and Rules and Calendar.

By Representative Ambler and others—

HB 449—A bill to be entitled An act relating to a public records exemption; amending s. 1004.43, F.S.; expanding the public records exemption for proprietary confidential business information owned or controlled by the not-for-profit corporation operating the H. Lee Moffitt Cancer Center and Research Institute and its subsidiaries relating to trade secrets; expanding the exemption to include information received from an agency in this or another state or nation or the Federal Government which is otherwise exempt or confidential pursuant to the laws of this or another state or nation or pursuant to federal law; providing for future review and repeal; providing a statement of public necessity; providing an effective date.

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

By Representative Greenstein—

HB 1091—A bill to be entitled An act relating to public records and public meetings exemptions for investigations by the Commission for Independent Education; amending s. 1005.38, F.S.; creating an exemption from public records requirements for investigatory records, including minutes and findings of an exempt probable cause panel meeting, relating to suspected violations of ch. 1005, F.S., or commission rules; creating an exemption from public meetings requirements for certain portions of meetings of a probable cause panel; providing for limited duration of the exemptions; providing for future review and repeal; providing a statement of public necessity; providing a contingent effective date.

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

By Representative Brown—

HB 1591—A bill to be entitled An act relating to public records; amending s. 97.0585, F.S.; revising an exemption from the public-records law which is provided for information concerning persons who decline to register to vote, information relating to the place where a person registered to vote or updated a registration, and a voter’s signature and social security number; creating exemptions from disclosure for a voter’s driver’s license number and Florida identification number; deleting an exemption from disclosure provided for the voter’s telephone number; providing certain exceptions; providing for future legislative review and repeal under the Open Government Sunset Review Act; providing a finding of public necessity; providing a contingent effective date.

—was referred to the Committees on Ethics and Elections; Governmental Oversight and Productivity; and Rules and Calendar.

By the Committee on Insurance; and Representative Ross and others—

HB 1939—A bill to be entitled An act relating to public records and public meetings; creating s. 627.06292, F.S.; creating an exemption from public records requirements for reports of hurricane loss data and associated exposure data that are specific to a particular insurance company; providing a definition; providing for review and repeal; providing a statement of public necessity; amending s. 627.0628, F.S.; creating an exemp-

tion from public records requirements for trade secrets used in designing and constructing hurricane loss models; creating an exemption from public meetings requirements for that portion of a meeting of the Florida Commission on Hurricane Loss Projection Methodology or of a rate proceeding wherein confidential and exempt trade secrets are discussed; providing for review and repeal; providing a statement of public necessity; providing a contingent effective date.

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

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 28 was corrected and approved.

CO-INTRODUCERS

Senators Fasano—CS for SB 2412; Lynn—SB 2460; Posey—CS for CS for CS for SB 454

RECESS

On motion by Senator Argenziano, the Senate recessed at 3:29 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Monday, May 2 or upon call of the President.