



# Journal of the Senate

Number 2—Regular Session

Thursday, March 6, 2008

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## CALL TO ORDER

The Senate was called to order by President Pruitt at 9:30 a.m. A quorum present—40:

Mr. President	Dockery	Oelrich
Alexander	Fasano	Peaden
Aronberg	Gaetz	Posey
Atwater	Garcia	Rich
Baker	Geller	Ring
Bennett	Haridopolos	Saunders
Bullard	Hill	Siplin
Carlton	Jones	Storms
Constantine	Joyner	Villalobos
Crist	Justice	Webster
Dawson	King	Wilson
Dean	Lawson	Wise
Deutch	Lynn	
Diaz de la Portilla	Margolis	

## PRAYER

The following prayer was offered by the Rev. Dr. Albert Simpson, Jr., Pastor, Philemon Baptist Church, Jacksonville:

Our Father God, we thank you for this time of adoration, confession, thanksgiving and supplication at the beginning of another legislative session as they invoke their attention to the resounding voices of concerns of the people of our state. Father, we lift this legislative body of men and women to you for divine guidance, protection, and for their families at home, so they can pontificate and deliberate for these 60 days with wisdom and fairness in their decisions that will affect all.

Father, we thank you and we also intercede for our Governor and his Cabinet, our judicial branch and every governmental agency – local, state, and national – and all elected or appointed officials, spiritual leaders, and the men and women in our military branches who are defending our civil rights, civil defense, and protecting our families and country in the depth and breadth of our homeland security.

We thank you, Father, for your powerful hand of mercy. O Father, hear our petition. We submit this petition of adoration, confession, thanksgiving and supplication in thy name. Amen.

## PLEDGE

Senate Pages Doug Chico, Tashi T. Martin, Melanie E. Warner and Lauren Henderson 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. Donald Eagle of Eustis, sponsored by Senator Baker, as doctor of the day. Dr. Eagle specializes in Family Practice.

## ADOPTION OF RESOLUTIONS

At the request of Senator Saunders—

By Senator Saunders—

**SR 1538**—A resolution recognizing Patient Safety Awareness Week in Florida, coinciding with National Patient Safety Awareness Week, to be held March 2 through 8, 2008.

WHEREAS, Patient Safety Awareness Week is an educational and awareness-building campaign for improving patient safety, and

WHEREAS, Patient Safety Awareness Week is observed nationally and in Florida on March 2 through 8, 2008, and

WHEREAS, the theme of the 2008 National and Florida Patient Safety Awareness Week is “Patient Safety: A Road Taken Together,” and

WHEREAS, the Florida Patient Safety Corporation and Florida’s health care delivery system are committed to working together with patients and providers to continually improve patient safety, and

WHEREAS, the Florida Patient Safety Corporation and Florida’s health care delivery system are engaged in a variety of activities to enhance patient safety for Florida residents, and

WHEREAS, the Florida Legislature seeks to improve the quality and safety of health care and to reduce potential harm to patients, NOW, THEREFORE,

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

That the Senate recognizes Patient Safety Awareness Week in Florida, March 2 through 8, 2008, and encourages all Floridians to support the goals of increased patient safety.

—**SR 1538** was introduced, read and adopted by publication.

## MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Bullard, by two-thirds vote **SB 2732** was withdrawn from further consideration.

On motion by Senator Bennett, by two-thirds vote **SB 1282** was withdrawn from the committees of reference and further consideration.

## SPECIAL ORDER CALENDAR

Consideration of **SB 2500** was deferred.

SENATOR SIPLIN PRESIDING

SB 2502—A bill to be entitled An act implementing the 2007-2008 Special Appropriations Act; providing legislative intent; providing for the incorporation by reference of certain calculations used by the Legislature for the 2007-2008 fiscal year; providing for the implementation of specified appropriations; providing legislative intent with respect to reductions in expenditures made by district school boards; providing for moneys in specified trust funds to be expended as directed by the Legislature, notwithstanding certain provisions to the contrary; providing for the effect of a veto of one or more specific appropriations or proviso provisions to which implementing language refers; providing for severability; providing an effective date.

—was read the second time by title.

Senators Garcia, Wise, Siplin, Bullard and Villalobos offered the following amendment which was moved by Senator Garcia and adopted:

Amendment 1 (310040)(with title amendment)—Between line(s) 59 and 60, insert:

Section 6. Subsection (3) of section 1011.71, Florida Statutes, as amended by section 4 of chapter 2007-328, Laws of Florida, is amended to read:

1011.71 District school tax.—

(3) A school district that has met the reduction requirements regarding class size for the 2007-2008 fiscal year pursuant to s. 1003.03 for K-12 students for whom the school district provides the educational facilities and certifies to the Commissioner of Education that the district does not need all of its discretionary 2-mill capital improvement revenue for capital outlay purposes and all of the district's instructional space needs for the next 5 years can be met from capital outlay sources that the district reasonably expects to receive during the next 5 years from local revenues and from currently appropriated state facilities funding or from alternative scheduling or construction, leasing, rezoning, or technological methodologies that exhibit sound management may expend, subject to the provisions of s. 200.065, up to \$65 \$25 per unweighted full-time equivalent student from the revenue generated by the 2007-2008 millage levy authorized by subsection (2) to fund, in addition to expenditures authorized in paragraphs (2)(a)-(j), 2007-2008 expenses for the following:

(a) The purchase, lease-purchase, or lease of driver's education vehicles; motor vehicles used for the maintenance or operation of plants and equipment; security vehicles; or vehicles used in storing or distributing materials and equipment.

(b) Payment of the cost of premiums for property and casualty insurance necessary to insure school district educational and ancillary plants. Operating revenues that are made available through the payment of property and casualty insurance premiums from revenues generated under this subsection may be expended only for nonrecurring operational expenditures of the school district.

Section 7. The amendments to s. 1011.71(3), Florida Statutes, as carried forward by this act from chapter 2007-328, Laws of Florida, and made by this act shall expire July 1, 2008, and the text of that section shall revert to that in existence on the day before the effective date of chapter 2007-328, Laws of Florida, except that any amendments to such text enacted other than by this act and chapter 2007-328, Laws of Florida, shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text which expire pursuant to this section.

(Renumber subsequent sections.)

And the title is amended as follows:

On line(s) 11, after the semicolon (;) insert: amending s. 1011.71, F.S.; increasing the amount that certain school districts may expend, per unweighted full-time equivalent student, from the revenue generated by the 2007-2008 district school tax levy; providing for the expiration of such increase;

On motions by Senator Carlton, by two-thirds vote SB 2502 as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—37

Table with 3 columns: Mr. President, Gaetz, Peaden; Aronberg, Garcia, Posey; Atwater, Geller, Rich; Baker, Haridopolos, Ring; Bennett, Hill, Saunders; Bullard, Jones, Siplin; Carlton, Joyner, Storms; Constantine, Justice, Villalobos; Crist, King, Webster; Dean, Lawson, Wilson; Deutch, Lynn, Wise; Dockery, Margolis; Fasano, Oelrich.

Nays—None

Vote after roll call:

Yea—Alexander, Diaz de la Portilla

MOTIONS

On motion by Senator Carlton, the House was requested to pass SB 2502, as passed by the Senate, and in the event the House refuses, requested that a conference committee be appointed.

CS for SB 1852—A bill to be entitled An act relating to reimbursement of Medicaid providers; amending s. 409.908, F.S.; requiring the Agency for Health Care Administration to limit the reimbursement rate for certain specified providers notwithstanding certain provisions and rules to the contrary; providing that the limitations apply to prepaid health plans and nursing home diversion programs; providing for application; providing an effective date.

—was read the second time by title. On motions by Senator Peaden, by two-thirds vote CS for SB 1852 was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—27

Table with 3 columns: Mr. President, Diaz de la Portilla, Oelrich; Alexander, Dockery, Peaden; Atwater, Fasano, Posey; Baker, Gaetz, Saunders; Bennett, Garcia, Siplin; Carlton, Haridopolos, Storms; Constantine, Jones, Villalobos; Crist, King, Webster; Dean, Lynn, Wise.

Nays—13

Table with 3 columns: Aronberg, Hill, Margolis; Bullard, Joyner, Rich; Dawson, Justice, Ring; Deutch, Lawson, Wilson; Geller.

Vote after roll call:

Yea to Nay—Siplin

MOTIONS

On motion by Senator Carlton, the House was requested to pass CS for SB 1852, as passed by the Senate, and in the event the House refuses, requested that a conference committee be appointed.

SB 2500—A bill to be entitled An act making special appropriations; providing appropriations and reductions in appropriations for the 2007-2008 fiscal year to pay salaries and other expenses, for capital outlay projects such as buildings and other improvements, and for other specified purposes of the various agencies of state government; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 2500** to **HB 7009**.

Pending further consideration of **SB 2500** as amended, on motion by Senator Carlton, by two-thirds vote **HB 7009** was withdrawn from the Fiscal Policy and Calendar Committee.

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

**HB 7009**—A bill to be entitled An act making special appropriations; providing appropriations and reductions in appropriations for the 2007-2008 fiscal year, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

—a companion measure, was substituted for **SB 2500** as amended and by two-thirds vote read the second time by title.

Senator Carlton moved **Amendment 1 (998929)** which was adopted.

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

On motions by Senator Carlton, by two-thirds vote **HB 7009** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—27

Mr. President	Diaz de la Portilla	Margolis
Alexander	Dockery	Oelrich
Atwater	Fasano	Peaden
Baker	Gaetz	Posey
Bennett	Garcia	Saunders
Carlton	Haridopolos	Storms
Constantine	Jones	Villalobos
Crist	King	Webster
Dean	Lynn	Wise

Nays—13

Aronberg	Hill	Rich
Bullard	Joyner	Ring
Dawson	Justice	Siplin
Deutch	Lawson	Wilson
Geller		

## MOTIONS

On motion by Senator Carlton, the House was notified that the Senate had passed **HB 7009** with amendment and acceded to the request that a conference committee be appointed.

## CONFEREES APPOINTED

The President appointed the following conferees on **HB 7009**, **SB 2502**, and **CS for SB 1852**: Senator Carlton, Chair; Senator Webster, At-Large Member; Criminal and Civil Justice Appropriations: Senator Crist, Chair; Senator Joyner; Education Pre-K - 12 Appropriations: Senator Wise, Chair; Senator Siplin; General Government Appropriations: Senator Alexander, Chair; Senator Lawson; Health and Human Services Appropriations: Senator Peaden, Chair; Senator Rich; Higher Education Appropriations: Senator Lynn, Chair; Senator Ring; and Transportation and Economic Development Appropriations: Senator Fasano, Chair; Senator Margolis.

The action of the Senate was certified to the House.

## MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Carlton, the rules were waived and the conference committee on Higher Education Appropriations was granted permission to meet this day from 12:00 p.m. until completion.

On motion by Senator Carlton, the rules were waived and the conference committees on Criminal and Civil Justice Appropriations; Education Pre-K - 12 Appropriations; General Government Appropriations; Health and Human Services Appropriations; and Transportation and Economic Development Appropriations were granted permission to meet this day upon 30 minutes notice.

## MOTIONS

On motions by Senator Carlton, the rules were waived and Senate conferees were granted the latitude to consider additional issues which may develop in conference.

## SPECIAL ORDER CALENDAR, continued

**SB 1676**—A reviser's bill to be entitled An act relating to the official Florida Statutes; amending ss. 11.2421, 11.2422, 11.2424, and 11.2425, F.S.; adopting the Florida Statutes 2008 and designating the portions thereof that are to constitute the official law of the state; providing that the Florida Statutes 2008 shall be effective immediately upon publication; providing that general laws enacted during the June 12-14, 2007, special session and prior thereto and not included in the Florida Statutes 2008 are repealed; providing that general laws enacted during the October 2007 special sessions and the 2008 regular session are not repealed by this adoption act.

—was read the second time by title. On motions by Senator King, by two-thirds vote **SB 1676** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—38

Mr. President	Fasano	Oelrich
Alexander	Gaetz	Peaden
Aronberg	Garcia	Posey
Atwater	Geller	Rich
Baker	Haridopolos	Ring
Bennett	Hill	Saunders
Bullard	Jones	Siplin
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dean	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise
Dockery	Margolis	

Nays—None

Vote after roll call:

Yea—Carlton

**CS for SB 1678**—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 7.11, 7.13, 7.44, 11.904, 11.908, 15.0395, 20.23, 26.021, 26.32, 30.071, 35.05, 39.0132, 92.05, 99.012, 106.023, 106.0706, 112.324, 120.545, 121.051, 121.091, 121.121, 121.4501, 124.01, 125.901, 159.804, 163.06, 163.3182, 163.32465, 163.430, 166.271, 171.071, 171.205, 190.005, 192.0105, 198.13, 200.001, 202.20, 212.08, 215.555, 215.5586, 218.415, 222.25, 250.83, 253.033, 253.034, 257.38, 258.001, 258.11, 258.12, 258.39, 258.397, 286.0111, 288.0655, 288.1223, 288.1254, 288.8175, 288.9015, 288.90151, 288.9551, 288.975, 316.003, 320.0805, 322.34, 323.001, 328.07, 337.0261, 338.231, 339.175, 343.92, 348.243, 364.02, 367.171, 369.255, 370.142, 370.172, 372.09, 373.026, 373.073, 373.1501, 373.1502, 373.1961, 373.414, 373.4211, 373.4592, 373.4595, 373.470, 373.472, 376.308, 377.42, 381.0273, 381.0404, 381.92, 383.412, 390.012, 390.014, 390.018, 393.23, 395.402, 400.063, 400.0712, 400.506, 400.995, 403.031, 403.201, 403.707, 403.890, 403.8911, 403.973, 408.032, 409.166, 409.1677, 409.25661, 413.271, 420.5095, 420.9076, 429.35, 429.907, 440.3851, 445.004, 446.43, 468.832, 468.8419, 468.842, 477.0135, 481.215, 481.313, 487.048, 489.115, 489.127, 489.517, 489.531, 497.172, 497.271, 497.466, 500.148, 501.022, 501.976, 553.73, 553.791, 610.104, 617.0802, 624.316, 627.0628, 627.06292, 627.311, 627.351, 627.3511, 627.4133, 627.701, 627.7261, 627.736, 628.461, 628.4615, 633.01, 633.025, 660.417, 736.0802, 741.3165, 744.1076, 812.1725, 817.625, 832.062, 921.0022, 932.701, 940.05, 943.0314, 943.32, 943.35, 947.06, 1001.11, 1001.215,

1001.395, 1002.35, 1002.39, 1002.72, 1003.4156, 1003.428, 1004.43, 1004.4472, 1004.55, 1004.76, 1005.38, 1008.25, 1008.345, 1009.01, 1009.24, 1009.98, 1011.48, 1012.61, 1012.875, and 1013.73, F.S.; and reenacting ss. 215.559 and 338.165, F.S.; pursuant to s. 11.242, F.S.; deleting provisions that have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpretation; and confirming the restoration of provisions unintentionally omitted from republication in the acts of the Legislature during the amendatory process; providing an effective date.

—was read the second time by title. On motions by Senator King, by two-thirds vote **CS for SB 1678** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—38

Table with 3 columns: Name, Dockery, Margolis. Lists names of senators and their corresponding votes.

Nays—None

Vote after roll call:

Yea—Wilson

SB 1680—A reviser’s bill to be entitled An act relating to the Florida Statutes; repealing ss. 14.325, 211.027(4)-(8), 216.181(2)(i), 252.373(4), 259.032(4)(b) and (11)(g), 287.057(14)(b), 288.039, 311.22(3), 370.13(4), 370.142(7), 373.59(12), 375.041(3)(b), 381.0402(5), 403.885(3), 502.015(2), 737.101, 737.105, 737.106, 737.111, 737.115, 737.116, 737.201, 737.202, 737.203, 737.2035, 737.204, 737.2041, 737.205, 737.206, 737.2065, 737.207, 737.208, 737.209, 737.301, 737.302, 737.303, 737.3035, 737.304, 737.305, 737.3053, 737.3054, 737.3055, 737.306, 737.3061, 737.307, 737.308, 737.309, 737.401, 737.402, 737.4025, 737.403, 737.4031, 737.4032, 737.4033, 737.404, 737.405, 737.406, 737.501, 737.502, 737.503, 737.504, 737.505, 737.506, 737.507, 737.508, 737.509, 737.510, 737.511, 737.512, 737.6035, 737.621, 737.622, 737.623, 737.624, 737.625, 737.626, and 737.627, F.S., all of which provisions have become inoperative by noncurrent repeal or expiration and, pursuant to s. 11.242(5)(b) and (i), may be omitted from the 2008 Florida Statutes only through a reviser’s bill duly enacted by the Legislature; amending s. 373.459, F.S., to conform to the repeal of s. 403.885(3); and amending ss. 617.0802 and 627.7261, F.S., to conform to the repeal of chapter 737, F.S.

—was read the second time by title. On motions by Senator King, by two-thirds vote **SB 1680** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40

Table with 3 columns: Name, Dawson, Hill. Lists names of senators and their corresponding votes.

Table with 3 columns: Name, Siplin, Webster. Lists names of senators and their corresponding votes.

Nays—None

SB 1682—A reviser’s bill to be entitled An act relating to the Florida Statutes; amending ss. 14.20195, 16.615, 39.001, 39.303, 110.205, 112.061, 112.3145, 114.04, 120.80, 154.02, 154.04, 154.505, 215.5601, 215.5602, 335.067, 377.901, 381.0057, 381.0303, 381.0403, 381.4018, 381.7353, 381.78, 381.79, 381.84, 381.853, 381.855, 381.86, 381.90, 381.911, 381.912, 381.92, 381.922, 381.98, 381.983, 381.984, 381.985, 383.14, 383.216, 383.2162, 383.336, 383.402, 385.203, 385.210, 388.46, 391.028, 391.221, 391.223, 397.333, 400.235, 401.23, 401.245, 401.421, 402.56, 403.862, 406.02, 408.916, 409.352, 409.91255, 413.271, 420.622, 456.005, 456.011, 456.012, 456.072, 456.073, 456.074, 456.076, 457.109, 458.311, 458.313, 458.316, 458.3165, 458.331, 458.346, 458.347, 459.0055, 459.015, 459.022, 460.413, 461.004, 463.0055, 464.003, 464.018, 464.2085, 466.004, 466.028, 467.003, 467.004, 468.1295, 468.1755, 468.301, 468.314, 468.354, 468.506, 478.44, 480.042, 483.825, 483.901, 484.042, 486.125, 487.041, 490.009, 491.009, 499.012, 499.01211, 499.024, 499.065, 500.033, 514.0231, 768.1326, 943.0313, and 1004.435, F.S., pursuant to the directive of the Legislature in s. 3, ch. 2007-40, Laws of Florida, to redesignate the Secretary of Health as the State Surgeon General wherever the term appears in the Florida Statutes.

—was read the second time by title. On motions by Senator King, by two-thirds vote **SB 1682** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40

Table with 3 columns: Name, Dockery, Oelrich. Lists names of senators and their corresponding votes.

Nays—None

REPORTS OF COMMITTEES

The Fiscal Policy and Calendar Committee submits the following bills to be placed on the Special Order Calendar for Thursday, March 6, 2008: SB 2500, SB 2502, CS for SB 1852

Respectfully submitted, Lisa Carlton, Chair

The Committee on Transportation recommends the following pass: SB 630

The bill was referred to the Committee on Children, Families, and Elder Affairs under the original reference.

The Committee on Banking and Insurance recommends the following pass: SB 966

The Committee on Transportation recommends the following pass: SB 1076

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

The Committee on Transportation recommends the following pass: SB 788

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

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The Committee on Criminal Justice recommends the following pass: SB 220; CS for SB 300

The Committee on Judiciary recommends the following pass: CS for SB 76 with 1 amendment; SB 472

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

---

The Committee on Transportation recommends the following pass: SB 1008

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

---

The Committee on Commerce recommends the following pass: SB 1026

The Committee on Health Regulation recommends the following pass: SB 1318 with 1 amendment

The Committee on Judiciary recommends the following pass: SB 1046

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

---

The Committee on Children, Families, and Elder Affairs recommends the following pass: SB 1092

The Committee on Health Policy recommends the following pass: SB 1106

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

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The Committee on Criminal Justice recommends the following pass: SB 528

The Committee on Health Regulation recommends the following pass: SB 1370 with 2 amendments

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

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The Committee on Military Affairs and Domestic Security recommends the following pass: CS for SB 682

**The bill was referred to the Committee on Transportation and Economic Development Appropriations under the original reference.**

---

The Committee on Education Pre-K - 12 recommends the following pass: SM 1742

The Committee on Judiciary recommends the following pass: SB 716

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

---

The Committee on Criminal Justice recommends a committee substitute for the following: SB 1442

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

---

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 818

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

---

The Committee on Commerce recommends a committee substitute for the following: SB 428

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

---

The Committee on Criminal Justice recommends a committee substitute for the following: SB 116

**The bill with committee substitute attached was referred to the Committee on Criminal and Civil Justice Appropriations under the original reference.**

---

The Committee on Commerce recommends a committee substitute for the following: SB 694

The Committee on Transportation recommends committee substitutes for the following: SB 282; SB 1030

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

---

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 644

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

---

The Committee on Judiciary recommends a committee substitute for the following: SB 1042

The Committee on Transportation recommends a committee substitute for the following: SB 920

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

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

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

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The Committee on Regulated Industries recommends committee substitutes for the following: SB 996; SB 1206

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

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The Committee on Criminal Justice recommends committee substitutes for the following: SB 614; SB 1064

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

The Committee on Criminal Justice recommends a committee substitute for the following: SB 268

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

The Committee on Commerce recommends a committee substitute for the following: SB 854

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

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 656

**The bill with committee substitute attached was placed on the calendar.**

**REPORTS OF COMMITTEES RELATING TO EXECUTIVE BUSINESS**

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

*Office and Appointment*

*For Term Ending*

Florida Black Business Investment Board, Inc.  
Appointee: Nembhard, Mortlake

06/30/2010

**[The appointment was referred to the Committee on Ethics and Elections under the original reference.]**

**INTRODUCTION AND REFERENCE OF BILLS**

**FIRST READING**

By Senator Bennett—

**SB 2082**—A bill to be entitled An act relating to annuity products; amending s. 627.4554, F.S.; providing that any person who purchases an annuity product in this state and who is 75 years of age or older at the time of purchase may rescind without penalty the contract for the sale of such annuity product for any reason at any time within a period of 1 year after the date on which such product is purchased; requiring that a person rescinding such contract notify the insurer or insurer’s agent of rescission in writing; requiring that a person rescinding such contract or agreement receive from the insurer a full refund of any costs paid to the insurer or insurer’s agent for the annuity product or related services upon receipt by the insurer or insurer’s agent of the written notice of rescission; requiring that an insurer licensed to provide annuity products in this state include certain provisions in a contract for such product; providing an effective date.

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

**Senate Bills 2084-2156**—Not referenced.

By the Committee on Banking and Insurance—

**SB 2158**—A bill to be entitled An act relating to money services businesses; changing the name of money transmitters to money services

businesses; requiring licensure rather than registration; amending s. 560.103, F.S.; revising definitions; defining the terms “adjusted net worth,” “affiliated party,” “branch office,” “cashing,” “compliance officer,” “electronic instrument,” “financial audit report,” “foreign affiliate,” “licensee,” “location,” “monetary value,” “outstanding money transmission,” and “stored value”; amending s. 560.104, F.S.; revising provision providing exemptions from ch. 560, F.S.; amending s. 560.105, F.S.; revising provisions relating to the powers of the Office of Financial Regulation and the Financial Services Commission; amending s. 560.109, F.S.; revising provisions relating to examinations and investigations conducted by the office; requiring that the office periodically examine each licensee; requiring the office to report certain violations to a criminal investigatory agency; requiring that the office annually report to the Legislature information concerning investigations and examinations and the total amount of fines assessed and collected; creating s. 560.1091, F.S.; requiring persons examined to pay the expenses of examination as set by rule of the commission; providing for the deposit of funds collected from licensees; requiring payment for travel expenses and living expenses and compensation for persons making the examinations from such funds or from funds budgeted for such purposes; creating s. 560.110, F.S.; providing for record retention by licensees; amending s. 560.111, F.S.; revising the list of prohibited acts by a money services business; amending s. 560.113, F.S.; providing for the establishment of a receivership or the payment of restitution by a person found to have violated ch. 560, F.S.; amending s. 560.114, F.S.; revising grounds for the disciplinary actions; amending s. 560.115, F.S.; revising provisions relating to the voluntary surrender of a license; amending s. 560.116, F.S.; revising provisions relating to the granting of immunity for providing information about alleged violations of ch. 560, F.S.; amending s. 560.118, F.S.; revising provisions relating to required reports; deleting an exemption from the requirement to file an annual financial report; transferring, renumbering, and amending s. 560.119, F.S.; revising provisions providing for the deposit of fees and assessments; amending s. 560.121, F.S.; revising restriction on access to records held by a court or the Legislature; amending s. 560.123, F.S.; revising provisions relating to the Florida Control of Money Laundering in Money Services Business; creating s. 560.1235, F.S.; requiring a licensee to comply with state and federal money laundering laws and rules; amending s. 560.124, F.S.; revising provisions relating to sharing reported information; amending s. 560.125, F.S.; revising provisions relating to unlicensed activity; amending s. 560.126, F.S.; revising provisions relating to certain notice requirements by a licensee; amending s. 560.127, F.S.; revising provisions relating to the control of a money services business; amending s. 560.128, F.S.; revising provisions relating to customer contacts and license display; amending s. 560.129, F.S.; revising provisions relating to the confidentiality of certain records; creating s. 560.140, F.S.; providing licensing standards for a money services business; creating s. 560.141, F.S.; providing for a license application; creating s. 560.142, F.S.; providing for license renewal; creating s. 560.143, F.S.; providing for license fees; amending s. 560.203, F.S.; revising the exemption from licensure for authorized agents of a money services business; amending s. 560.204, F.S.; revising provisions relating to the requirement for licensure of money transmitters or sellers of payment instruments under part II of ch. 560, F.S.; amending s. 560.205, F.S.; providing additional requirements for a license application; amending s. 560.208, F.S.; revising provisions relating to the conduct of a licensee; creating s. 560.2085, F.S.; providing requirements for authorized agents; amending s. 560.209, F.S.; revising provisions relating to a licensee’s adjusted net worth and the filing of a corporate surety bond; requiring a financial audit report; increasing the upper limit of the bond; deleting the option of waiving the bond; amending s. 560.210, F.S.; revising provisions relating to permissible investments; amending s. 560.211, F.S.; revising provisions relating to required recordkeeping under part II of ch. 560, F.S.; amending s. 560.212, F.S.; revising provisions relating to licensee liability; amending s. 560.213, F.S.; revising provisions relating information that must be printed on a payment instrument; amending s. 560.303, F.S.; revising provisions relating to the licensure of check cashers under part II of ch. 560, F.S.; amending s. 560.304, F.S.; revising provisions relating to exemptions from licensure; limiting the exemption for the payment of instruments below a certain value; amending s. 560.309, F.S.; revising provisions relating to the conduct of check cashers; providing additional requirements; amending s. 560.310, F.S.; revising requirements for licensee records; specifying the maintenance of identification records for certain customers; amending s. 560.402, F.S.; revising definitions relating to deferred presentment providers; amending s. 560.403, F.S.; revising provisions relating to the licensing requirements for deferred presentment providers; amending s. 560.404, F.S.; revising provisions relating to deferred presentment transactions; amending s. 560.405, F.S.;

revising provisions relating to the redemption or deposit of a deferred presentment transaction; amending s. 560.406, F.S.; revising provisions relating to worthless checks; amending ss. 499.005, 499.0691, 501.95, 538.03, 896.101, 896.104, and 921.0022, F.S.; conforming cross-references; repealing s. 560.101, F.S., relating to a short title; repealing s. 560.102, F.S., relating to purpose and application; repealing s. 560.106, F.S., relating to chapter constructions; repealing s. 560.1073, F.S., relating to false or misleading statements or documents; repealing s. 560.108, F.S., relating to administrative enforcement guidelines; repealing s. 560.112, F.S., relating to disciplinary action procedures; repealing s. 560.117, F.S., relating to administrative fines; repealing s. 560.200, F.S., relating to a short title; repealing s. 560.202, F.S., relating to definitions; repealing s. 560.206, F.S., relating to the investigation of applicants; repealing s. 560.207, F.S., relating to registration; repealing s. 560.301, F.S., relating to a short title; repealing s. 560.302, F.S., relating to definitions; repealing s. 560.305, F.S., relating to application for registration; repealing s. 560.306, F.S., relating to standards; repealing s. 560.307, F.S., relating to fees; repealing s. 560.308, F.S., relating to registration; repealing s. 560.401, F.S., relating to a short title; repealing s. 560.407, F.S., relating to required records; providing an effective date.

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

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**Senate Bills 2160-2222**—Not referenced.

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**SB 2224**—Previously referenced.

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**Senate Bills 2226-2306**—Not referenced.

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**SJR 2308**—Previously referenced.

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**Senate Bills 2310-2498**—Not referenced.

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**Senate Bills 2500-2502**—Previously referenced.

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**Senate Bills 2504-2532**—Not referenced.

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By Senator Peaden—

**SB 2534**—A bill to be entitled An act relating to health insurance; amending s. 408.909, F.S.; expanding the definition of “health flex plan” to include those who purchase coverage as an individual; authorizing a health flex plan to limit or exclude certain provider network requirements; providing that a health flex plan offering may include the option of a catastrophic plan supplementing the health flex plan; revising requirements for eligibility to enroll in a health flex plan; extending the date of expiration of certain provisions of state law regarding health flex plans; amending s. 409.811, F.S.; expanding the definition of “premium assistance payment” to include the direct payment of the premium for a qualifying child to be covered as a dependent under an employer-sponsored group family plan when such payment does not exceed the payment required for an enrollee in the Florida Kidcare program; amending s. 627.6562, F.S.; requiring that certain health insurance policies insure a dependent child of the policyholder or certificateholder for a specified period under certain conditions; limiting certain coverage requirements; preserving certain rights of insurers, employers, and health maintenance organizations; providing that dependent children meeting certain criteria may, within a specified period, make a written election to reinstate coverage, without proof of insurability, under that plan as a dependent child; providing for coverage for certain other dependent children; providing that a plan may require the payment of a premium by the insured or dependent child, subject to the approval of the Office of Insurance Regulation, for any period of coverage relating to a dependent’s written election of coverage; requiring that notice be

sent to an insured regarding the reinstatement of coverage for a dependent child; providing requirements for such notice; limiting the application of certain provisions of state law to certain insurance policies; amending s. 627.602, F.S.; requiring that policies insuring dependent children of a policyholder comply with certain provisions of state law; amending ss. 641.31, 627.653, and 627.6699, F.S.; requiring that all health maintenance contracts providing coverage for a member of the subscriber’s family comply with certain provisions of state law; requiring that, for all policies issued or renewed after a specified date, all eligible employees and their dependents be enrolled for coverage at the time of issuance of a policy or during the next open or special enrollment period, unless the employer chooses otherwise or the employee provides written notice to the employer declining coverage; requiring that such notice contain certain information; requiring that such notice be retained by the employer as part of the employee’s employment or insurance file; authorizing an employer to require its employees to participate in its group health plan as a condition of employment; providing effective dates.

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

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**Senate Bills 2536-2606**—Not referenced.

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By Senator Saunders—

**SB 2608**—A bill to be entitled An act relating to the Beverage Law; creating s. 561.585, F.S.; authorizing certain direct shipments of wine; requiring licensure of winery shippers; providing requirements for licensure; providing prohibitions; requiring that a winery shipper licensee file a surety bond with the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation; requiring that each container of wine shipped directly be labeled with a notice; providing signature and identification requirements; providing limitations on the amount of wine a winery shipper may ship or cause to be shipped; limiting the size of wine containers; providing age requirements for those purchasing wine for direct shipment or receiving direct shipments of wine; providing a defense to certain actions; requiring monthly reports by winery shipper licensees; requiring the collection, remittance, and payment of certain taxes by direct shippers; requiring certain proceeds from discretionary sales surtaxes to be deposited into an account in the Discretionary Sales Surtax Clearing Trust Fund; requiring that winery shippers maintain certain records for a certain time period; providing for jurisdiction; providing penalties; amending s. 561.14, F.S.; classifying the winery shipper license; amending s. 561.54, F.S.; removing a provision requiring that the licensee be aggrieved by a violation involving prohibited delivery from without the state to have standing to bring an action; exempting from such prohibition shipment of wine by a winery shipper licensee; amending s. 561.545, F.S.; exempting applicability of the prohibition against direct shipment of alcoholic beverages to the shipment of wine by a winery shipper licensee; amending s. 561.57, F.S.; providing that Internet orders shall be construed as telephone orders; exempting common carriers, licensees, or licensees utilizing common carriers as their agents from certain report filing requirements; requiring common carriers to verify the age of persons receiving shipments; providing a defense to certain actions; providing criteria for the defense; amending s. 599.004, F.S.; revising qualifications for the certification of Florida Farm Wineries; amending s. 561.24, F.S.; revising an effective date; authorizing certain manufacturers of wine holding a distributor’s license to renew such license; removing an exemption of Florida Farm Wineries from prohibition against the manufacturer being licensed as distributor or registered as the exporter; providing for severability; providing for nonimpairment of contracts; providing for rulemaking authority; authorizing additional positions; providing appropriations; providing an effective date.

—was referred to the Committees on Regulated Industries; Criminal Justice; Finance and Tax; and General Government Appropriations.

## COMMITTEE SUBSTITUTES

## FIRST READING

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

**CS for SB 116**—A bill to be entitled An act relating to an electronic monitoring program for tracking lost persons; establishing a grant program to encourage counties to implement county personal tracking programs; describing the components of the program; designating the Department of Law Enforcement as the administrative agency; providing for application for state grant funds and requiring local matching funds; providing a cap on the amount of a grant and for prioritizing and prorating grants; requiring the county sheriff's office or other lead agency to use the funds for purchasing equipment and training; requiring the solicitation of private moneys and the achievement of financial independence for the program within a specified time; providing an appropriation; providing an effective date.

By the Committee on Criminal Justice; and Senators Villalobos, Ring and Gaetz—

**CS for SB 268**—A bill to be entitled An act relating to the Legislature; providing a short title; amending s. 11.143, F.S.; eliminating authority for members of a legislative committee to administer certain oaths and affirmations to witnesses; eliminating penalties for false swearing before a legislative committee; conforming to the creation of new provisions relating to oaths and affirmations before a legislative committee; creating s. 11.1435, F.S.; requiring persons who address a legislative committee to take an oath or affirmation of truthfulness; requiring a member of the legislative committee to administer the oath or affirmation; providing criminal penalties for certain false statements before a legislative committee; authorizing the use of a signed appearance card in lieu of an oral oath or affirmation; prescribing conditions related to the use of the card; providing for penalties for making a false statement after signing the card; providing an effective date.

By the Committee on Transportation; and Senator Lynn—

**CS for SB 282**—A bill to be entitled An act relating to driver's license restrictions; amending s. 322.16, F.S.; restricting the number of certain passengers permitted in a vehicle operated by a person under a certain age unless accompanied by a driver at least 21 years of age; providing exceptions; providing for secondary enforcement; providing penalties; providing for applicability; amending s. 318.14, F.S.; providing citation procedures for violation of such restrictions; providing an effective date.

By the Committee on Commerce; and Senator Bennett—

**CS for SB 428**—A bill to be entitled An act relating to workforce innovation; amending s. 445.007, F.S.; authorizing designation of a regional workforce board as a one-stop operator and direct provider of certain services by agreement of the chief elected official and the Governor; providing an effective date.

By the Committee on Criminal Justice; and Senator Dean—

**CS for SB 614**—A bill to be entitled An act relating to classification and pay plans for public defenders; amending s. 27.53, F.S.; requiring that coordinated classification and pay plans for public defenders in each judicial circuit be developed in accordance with s. 216.181, F.S.; amending s. 216.181, F.S.; authorizing the appropriation of lump-sum salary bonuses; providing an effective date.

By the Committee on Banking and Insurance; and Senators Justice, Rich, Gaetz and Storms—

**CS for SB 644**—A bill to be entitled An act relating to the My Safe Florida Home Program; amending s. 215.5586, F.S.; requiring that wind certification entities meet certain minimum criteria to qualify for selection by the Department of Financial Services; deleting a provision requiring hurricane mitigation inspectors participating in the program to meet the requirements for a criminal record check by a specified date; authorizing the department to require that improvements be made to all openings of a structure, including exterior doors and garage doors, as a condition of reimbursing a homeowner for a grant; authorizing the department to contract with third parties for contractor services and technology; amending s. 627.711, F.S.; requiring insurers to accept as valid certain uniform inspection forms; providing an effective date.

By the Committee on Banking and Insurance; and Senator Joyner—

**CS for SB 656**—A bill to be entitled An act relating to judicial and execution sales of property; creating s. 702.55, F.S.; requiring that, before certain court-ordered sales of property, the lienholder serve notice on the property owner of the possibility of relief through the filing of a bankruptcy petition and also warning against purported foreclosure "saving" schemes; specifying the content of the notice; providing for an affirmative defense for failing to provide notice; amending s. 56.021, F.S., relating to the required service of notice of potential relief through bankruptcy; conforming provisions to changes made by the act; providing for application; providing an effective date.

By the Committees on Judiciary; Health Regulation; and Senator Bennett—

**CS for CS for SB 686**—A bill to be entitled An act relating to nursing facilities; amending s. 400.141, F.S.; authorizing certain licensed nursing facilities to develop a plan to provide certain training for nursing assistants; providing for rules relating to agency approval of training programs; amending s. 400.147, F.S.; redefining the term "adverse incident"; deleting the requirement that a nursing facility notify the agency of an adverse incident; deleting notification requirements; requiring that a risk manager determine if an incident was an adverse incident; providing that federal reporting requirements are not affected; amending s. 400.19, F.S.; providing that the most recent survey is a licensure survey under certain conditions for purposes of future survey scheduling; amending s. 400.195, F.S., relating to agency reporting requirements; conforming a cross-reference; amending s. 400.23, F.S.; deleting provisions requiring agency approval in order for a nursing home to use licensed nurses to perform certain duties; providing an effective date.

By the Committee on Commerce; and Senator Aronberg—

**CS for SB 694**—A bill to be entitled An act relating to telephone caller identification; providing a short title; creating s. 817.487, F.S.; prohibiting entering or causing to be entered false information into a telephone caller identification system with the intent to deceive, defraud, or mislead; prohibiting placing a call knowing that false information was entered into the telephone caller identification system; providing definitions; providing exceptions; providing penalties; providing that a violation is an unlawful trade practice under specified provisions; providing for enhancement of penalties when a violation is committed during the commission of a criminal offense or when a violation facilitates a criminal offense; providing an effective date.

By the Committee on Banking and Insurance; and Senator Bennett—

**CS for SB 818**—A bill to be entitled An act relating to financial services; amending s. 520.02, F.S.; defining the term "guaranteed asset protection products"; amending s. 520.07, F.S.; setting forth requirements and prohibitions for selling guaranteed asset protection products; amending s. 624.605, F.S.; including debt-cancellation products under casualty insurance; providing a definition; authorizing certain entities to offer debt-cancellation products under certain circumstances; specifying that such products are not insurance; amending ss. 627.553 and

627.679, F.S.; revising limitations on the amount of authorized insurance for debtors; amending s. 627.681, F.S.; revising a limitation on the term of credit disability insurance; amending s. 655.005, F.S.; redefining the terms "federal financial institution" and "financial institution"; defining the term "debt-cancellation products"; amending s. 655.79, F.S.; providing that a deposit account by a husband and wife is a tenancy by the entirety; creating s. 655.947, F.S.; providing a definition; authorizing financial institutions to offer debt-cancellation products; authorizing a fee; requiring the Financial Services Commission to adopt rules; providing that a periodic payment option is not required for certain debt-cancellation products; amending s. 655.954, F.S.; authorizing a financial institution to offer a debt-cancellation product but not as a requirement of receiving a loan; creating s. 655.967, F.S.; providing that state-mandated endowments may be maintained in trust accounts in financial institutions; amending s. 658.21, F.S.; revising an ownership of capital criterion for capital accounts at financial institutions and one-bank holding companies; amending s. 658.34, F.S.; prohibiting certain stock issuance practices for banks; amending s. 658.36, F.S.; requiring a state bank or trust company to file a written notice before increasing its capital stock; amending s. 658.44, F.S.; revising criteria for determining the value of dissenting shares of certain entities; providing an effective date.

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By the Committee on Commerce; and Senators Fasano and Lynn—

**CS for SB 854**—A bill to be entitled An act relating to unemployment compensation; amending s. 443.101, F.S.; redefining the term "temporary help firm" to include a labor pool; redefining the term "temporary employee" to include a day laborer who is employed by a labor pool; providing that a day laborer is disqualified for benefits following loss of employment with a labor pool; providing that the time of hire for a day laborer is upon acceptance of the first assignment with a labor pool; providing an effective date.

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By the Committee on Transportation; and Senators Fasano, Posey, Wise, Lawson, Baker, Gaetz, Oelrich, Alexander, Ring and Margolis—

**CS for SB 920**—A bill to be entitled An act relating to driver's license fees; amending s. 318.15, F.S.; increasing the nonrefundable service charge paid to the Department of Highway Safety and Motor Vehicles or to the clerk of the court to reinstate a suspended driver's license and privilege to drive; requiring that the deposited funds be used to establish a recruitment and retention salary plan for officers of the highway patrol; authorizing the director of the Division of the Florida Highway Patrol to structure a salary scale for highway patrol officers to remain competitive with other law enforcement agencies; amending s. 318.18, F.S.; increasing the civil penalty a person must pay for a late payment of civil traffic penalties; requiring that a specified amount of the collected penalty be used to establish a recruitment retention salary plan for officers of the highway patrol; amending s. 320.07, F.S.; increasing the delinquency fee for late payment of vehicle registration renewal; requiring that specified deposited funds be used to establish a recruitment and retention salary plan for officers of the highway patrol; authorizing the director to use the delinquency fees for a salary scale for highway patrol officers which is competitive with other law enforcement agencies; amending s. 322.21, F.S.; increasing the fees for reinstating a suspended or revoked driver's license or commercial motor vehicle license; requiring that the fees collected from reinstating a suspended or revoked driver's license be used to establish a recruitment and retention salary plan for officers of the highway patrol; authorizing the director to use the license reinstating fees for a salary scale for highway patrol officers which is competitive with other law enforcement agencies; amending s. 322.29, F.S., relating to the surrender and return of a license; conforming provisions to changes made by the act; providing an effective date.

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By the Committee on Regulated Industries; and Senator Wise—

**CS for SB 996**—A bill to be entitled An act relating to cosmetology; amending s. 477.013, F.S.; providing and revising definitions; redefining "cosmetology" to include specified services and exclude artificial nails and use of certain skin treatments; defining "hair stylist," "esthetician,"

and "nail technician"; including body wrapping within esthetician services; removing a distinction between specialty salons and other salons; creating s. 477.0131, F.S.; authorizing licensure for cosmetologists, hair stylists, estheticians, and nail technicians; amending s. 477.0132, F.S.; authorizing renewal of current body wrapping registrations; increasing length of required course; specifying that only the Board of Cosmetology may review, evaluate, and approve required course and text; amending s. 477.014, F.S.; revising requirements for qualification to practice under ch. 477, F.S.; authorizing current specialists to sit for licensure examinations in certain circumstances; providing for the renewal of current specialty registrations; amending s. 477.016, F.S.; requiring the Board of Cosmetology to adopt rules relating to protection of health of clients, nail technicians, and estheticians; amending s. 477.019, F.S.; revising qualifications, education, licensure and renewal, supervised practice, and endorsement requirements to include and differentiate such requirements for cosmetologists, hair stylists, estheticians, and nail technicians; requiring the board to adopt certain procedures relating to licensure by endorsement; amending s. 477.0212, F.S.; requiring the board to adopt certain rules relating to license renewal or continuing education; amending s. 477.023, F.S.; stipulating that the Department of Education is not prevented from issuing certain grooming and salon services certification; amending s. 477.025, F.S., relating to cosmetology and specialty salons, requisites, licensure, inspection, and mobile cosmetology salons, to conform; amending s. 477.026, F.S.; revising fee provisions to conform; amending s. 477.0263, F.S.; specifying circumstances under which cosmetology, hair stylist, esthetician, nail technician, or specialty services may be practiced outside of a licensed salon; amending s. 477.0265, F.S., relating to prohibited acts, to conform; prohibiting the use or possession of a credo in the provision of cosmetology, nail technician, or manicure or pedicure specialty services; amending s. 477.028, F.S., relating to disciplinary proceedings, to conform; amending s. 477.029, F.S., relating to penalties; conforming provisions; repealing s. 477.0201, F.S., relating to specialty registration, qualifications, registration renewal, and endorsement; requiring a report to the Legislature on the use of a national examination for certain licenses in order to improve reciprocity with other states; providing an appropriation; providing effective dates.

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By the Committee on Transportation; and Senators Gaetz and Baker—

**CS for SB 1030**—A bill to be entitled An act relating to highway safety; creating the "Deputy Michael Callin, Michael Haligowski, and Deputy Ryan C. Seguin Memorial Traffic Safety Act"; amending s. 318.14, F.S.; authorizing the court to withhold adjudication of certain violations related to driving without a valid license if the person cited meets certain conditions; providing that the withholding of adjudication is not a conviction under certain circumstances; amending s. 322.03, F.S.; requiring a written judgment signed by the judge and recorded by the clerk for cases involving a violation of requirements to possess a valid driver license; amending s. 322.251, F.S.; requiring impoundment and immobilization information to be included with notice to a person whose driver license or driving privilege is being canceled, suspended, revoked, or disqualified; requiring the Department of Highway Safety and Motor Vehicles to make driver license status information available to the public through the Internet and a telephone hotline; amending s. 322.34, F.S.; providing for application of certain penalty provisions to a person who does not have a valid driver license or whose driver license or driving privilege has been disqualified; revising penalties for driving without a valid license or knowingly driving while driver license or driving privilege is canceled, suspended, revoked, or disqualified for specified alcohol-related or drug-related convictions or refusal to submit to certain testing; revising provisions for satisfaction of the element of knowledge; requiring a cancellation, suspension, revocation, or disqualification by the department or a uniform traffic citation to contain notice that the person's driver license or driving privilege has been canceled, suspended, revoked, or disqualified; requiring impoundment and immobilization information to be included with notice to a person whose driver license or driving privilege has been canceled, suspended, revoked, or disqualified; revising penalty provisions for a habitual offender driving while his or her license is revoked; providing that a person who causes the death of or serious bodily injury to another person by careless or negligent operation of a motor vehicle while his or her license or driving privilege is canceled, suspended, revoked, or disqualified commits a felony of the third degree; requiring a written judgment signed by the judge and recorded by the clerk for cases involving a violation of requirements

to possess a valid driver license; amending s. 322.34, F.S.; requiring a law enforcement officer who determines that a motor vehicle is being driven by or is under the actual physical control of a person whose driver license or driving privilege is canceled, suspended, revoked, or disqualified to impound or immobilize the motor vehicle; providing for notice to the driver; providing for impoundment and immobilization of the motor vehicle by the department; providing for notice to registered owners of the motor vehicle and lienholders; providing for the department to commence impoundment or immobilization at the scene where the motor vehicle was immobilized; providing procedures; providing for release of the motor vehicle; requiring department records to contain impoundment and immobilization information; providing for payment of costs; providing for certain fees and distribution of moneys collected; requiring the department to authorize release of the motor vehicle under certain circumstances; prohibiting operation of an immobilized motor vehicle; providing for an immobilized motor vehicle that is found being operated upon any street or highway in this state before release from immobilization to be seized and subject to forfeit; authorizing the department to contract with vendors; directing the department to inform the person whose driver license or driving privilege has been canceled, suspended, revoked, or disqualified that any motor vehicle driven by or under the actual physical control of that person is subject to impoundment and immobilization; requiring the department to make driver license status information available to the public through the Internet and a telephone hotline; authorizing the department to adopt rules; creating s. 322.3402, F.S.; authorizing the state attorney to establish a Drive Legal program for certain persons accused of a misdemeanor offense of driving while license suspended to divert the person from prosecution or offer a negotiated disposition; providing for exceptions to be made by the state attorney; providing for criteria for admission to the program; providing for program administration policies; requiring county courts and clerks of court to cooperate with the state attorney to consolidate an applicant's pending traffic matters and to assist indigent applicants obtain a valid Florida driver's license by disposing of outstanding monetary obligations by ordering public works or community service; amending s. 322.341, F.S.; revising penalty provisions for a person who drives a motor vehicle when his or her driver license has been permanently revoked; directing the department to inform drivers whose license or driving privilege has been canceled, suspended, revoked, or disqualified and the motoring public of the provisions for impoundment and immobilization of motor vehicles provided under the act; providing effective dates.

By the Committees on Judiciary; Children, Families, and Elder Affairs—

**CS for SB 1042**—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 63.0541, F.S., relating to a public-records exemption for information contained in the Florida Putative Father Registry; saving the exemption from repeal under the Open Government Sunset Review Act; narrowing the exemption to allow access by the birth mother; removing superfluous provisions; repealing s. 2, ch. 2003-56, Laws of Florida, relating to provisions providing for the repeal of the exemption; providing an effective date.

By the Committee on Criminal Justice; and Senator Dockery—

**CS for SB 1064**—A bill to be entitled An act relating to the murder or attempted murder of law enforcement officers; creating s. 782.065, F.S.; requiring that a defendant be sentenced to imprisonment for life without eligibility for early release upon findings beyond a reasonable doubt that the defendant committed a specified murder offense or attempted murder offense against a law enforcement officer, part-time law enforcement officer, or auxiliary law enforcement officer engaged in the lawful performance of a legal duty; providing an effective date.

By the Committee on Regulated Industries; and Senator Jones—

**CS for SB 1206**—A bill to be entitled An act relating to public accountancy; amending s. 473.306, F.S.; revising prerequisites for taking the examination for licensure as a certified public accountant; eliminating certain obsolete provisions; amending s. 473.308, F.S.; revising and updating the requirements for education and work experience; requiring the Board of Accountancy to adopt rules governing requirements for

work experience; clarifying provisions that specify what constitutes good moral character for purposes of qualifying for licensure as a certified public accountant; revising provisions governing licensure by endorsement; amending s. 473.323, F.S.; correcting a cross-reference; providing an effective date.

By the Committee on Criminal Justice; and Senator Dockery—

**CS for SB 1442**—A bill to be entitled An act relating to exploited children; amending s. 92.56, F.S.; permitting use of a pseudonym to designate the victim of a crime involving a victim of production, possession, or promotion of child pornography; revising provisions concerning use of victim pseudonyms to specify that they may be used in civil and criminal proceedings; amending s. 800.04, F.S., relating to lewd or lascivious exhibition, to conform to changes made by the act; amending s. 847.0135, F.S.; conforming provisions to changes made by the act; creating s. 847.002, F.S.; requiring law enforcement officers to provide certain information to the National Center for Missing and Exploited Children; requiring law enforcement officers submitting a case for prosecution that involves the creation, possession, or promotion of child pornography to provide specified information to prosecutors; requiring prosecutors to enter specified information in a database maintained by the Attorney General; creating s. 847.01357, F.S.; providing a civil remedy for any person who, while under the age of 18, was a victim of certain sexual abuse crimes wherein any portion of that abuse was used in the production of child pornography and who suffers personal or psychological injury as a result of the production, promotion, or possession of such images; specifying damages; providing for limitation of actions; providing for confidential pseudonyms to specified claimants; precluding a defense to certain civil actions; permitting the Attorney General to pursue cases on behalf of victims; providing for disposition of damages and attorney's fees; amending s. 960.03, F.S.; expanding the definition of "crime" for purposes of victim compensation to include violations of s. 827.071, s. 847.0135, s. 847.0137, or s. 847.038, related to online sexual exploitation and child pornography; defining the term "known victim of child pornography;" expanding the definition of "victim" for purposes of victim compensation to include a person less than 18 years of age who was present at the scene of a crime, saw or heard the crime, and suffered a psychiatric or psychological injury because of the crime, but who was not physically injured; creating s. 960.197, F.S.; authorizing victim compensation awards to certain persons who suffer psychiatric or psychological injury as a result of certain crimes; amending ss. 90.404, 92.565, 394.912, 409.2355, 775.082, 775.084, 775.15, 775.21, 784.048, 787.01, 787.02, 787.025, 794.065, 914.16, 921.0022, 921.244, 938.10, 943.04354, 947.1405, 948.03, 948.06, 948.101, 948.30, and 948.31, F.S.; conforming provisions to changes made by the act; providing an effective date.

#### REFERENCE CHANGES PURSUANT TO RULE 4.7(2)

By the Committee on Commerce; and Senators Constantine and Crist—

**CS for SB's 556 and 748**—A bill to be entitled An act relating to secondary metals recyclers; amending s. 538.18, F.S.; revising the definition of "personal identification card"; deleting an exclusion of transactions under a specified amount from the definition of "purchase transaction" for specified purposes; revising the definition of "regulated metals property"; amending s. 538.19, F.S.; revising recordkeeping requirements for purchase transactions; providing for additional seller information to be obtained; requiring an image of the regulated metals being sold; providing an exemption from a specified recordkeeping provision if the same information is maintained in an electronic database meeting specified requirements; providing a substitute recordkeeping requirement for certain transactions between registered secondary metals recyclers; amending s. 538.23, F.S.; providing for enhanced penalties for third or subsequent violations of a specified provision; providing enhanced penalties for violations of specified provisions relating to false verification of ownership or false or altered identification of a seller of regulated metals; creating s. 538.235, F.S.; prohibiting secondary metals recyclers from entering into cash transactions in certain circumstances; amending s. 538.25, F.S.; requiring the Department of Revenue to provide a law enforcement official, upon request, with specified information regarding certain secondary metals recyclers; amending s. 538.26, F.S.; prohibiting the purchase of any regulated metals property when pres-

ented at the property of a secondary metals recycler and not transported in a motor vehicle; providing an effective date.

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

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

### FIRST READING

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House of Representatives has passed HB 7009, as amended, and requests the Senate to concur with the bill as passed by the House. In event the Senate does not concur, the House requests that a Conference Committee be appointed.

*William S. Pittman III*, Chief Clerk

By the Policy and Budget Council; and Representative Sansom—

**HB 7009**—A bill to be entitled An act making special appropriations; providing appropriations and reductions in appropriations for the 2007-2008 fiscal year, to pay salaries, and other expenses, capital outlay buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

—was referred to the Fiscal Policy and Calendar Committee.

### RETURNING MESSAGES

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House of Representatives has passed SB 2502, with amendment(s), and requests the concurrence of the Senate, or failing to concur, accedes to the request of the Senate for the appointment of a committee of conference to resolve differences between the houses. The Speaker has appointed as Conferees on the part of the House: Rep. Sansom (Chair): At-Large—Reps. Bogdanoff, Cretul, Cusack, Hasner, Saunders, Seiler and Zapata; Rep. Cannon (Chair, Economic Expansion & Infrastructure), Reps. Hukill, Aubuchon, Boyd, Patterson and Reed; Rep. Mayfield (Chair, Environment & Natural Resources), Reps. Troutman, Bowen, Brandenburg, Grimsley, Kendrick and Macheck; Rep. Attkisson (Chair, Gov't Efficiency & Accountability), Reps. Grant and Gibbons; Rep. Bean (Chair, Healthcare), Reps. Zapata, Ausley, Galvano, R. Garcia, Hays, Patronis and Taylor; Rep. Reagan (Chair, Jobs & Entrepreneurship), Reps. Brown, Chestnut, Murzin, Richardson and Weatherford; Rep. Kravitz (Chair, Safety & Security), Reps. Ross, Adams, A. Gibson, Kelly, Needelman, Planas, Sachs, N. Thompson and Thurston; Rep. Pickens (Chair, Schools & Learning), Reps. Traviesa, Altman, Bendross-Mindingall, Coley, Flores, Ford, Heller, Kiar and Simmons.

*William S. Pittman III*, Chief Clerk

**SB 2502**—A bill to be entitled An act implementing the 2007-2008 Special Appropriations Act; providing legislative intent; providing for the incorporation by reference of certain calculations used by the Legislature for the 2007-2008 fiscal year; providing for the implementation of specified appropriations; providing legislative intent with respect to reductions in expenditures made by district school boards; providing for moneys in specified trust funds to be expended as directed by the Legislature, notwithstanding certain provisions to the contrary; providing for the effect of a veto of one or more specific appropriations or proviso provisions to which implementing language refers; providing for severability; providing an effective date.

Pursuant to Rule 7.6, **House Amendment 1 (860003)** constituted an entirely new bill and was not published in the Journal.

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1852, with amendment(s), and requests the concurrence of the Senate, or failing to concur, accedes to the request of the Senate for the appointment of a committee of conference to resolve differences between the houses. The Speaker has appointed as Conferees on the part of the House: Rep. Sansom (Chair): At-Large—Reps. Bogdanoff, Cretul, Cusack, Hasner, Saunders, Seiler and Zapata; Rep. Cannon (Chair, Economic Expansion & Infrastructure), Reps. Hukill, Aubuchon, Boyd, Patterson and Reed; Rep. Mayfield (Chair, Environment & Natural Resources), Reps. Troutman, Bowen, Brandenburg, Grimsley, Kendrick and Macheck; Rep. Attkisson (Chair, Gov't Efficiency & Accountability), Reps. Grant and Gibbons; Rep. Bean (Chair, Healthcare), Reps. Zapata, Ausley, Galvano, R. Garcia, Hays, Patronis and Taylor; Rep. Reagan (Chair, Jobs & Entrepreneurship), Reps. Brown, Chestnut, Murzin, Richardson and Weatherford; Rep. Kravitz (Chair, Safety & Security), Reps. Ross, Adams, A. Gibson, Kelly, Needelman, Planas, Sachs, N. Thompson and Thurston; Rep. Pickens (Chair, Schools & Learning), Reps. Traviesa, Altman, Bendross-Mindingall, Coley, Flores, Ford, Heller, Kiar and Simmons.

*William S. Pittman III*, Chief Clerk

**CS for SB 1852**—A bill to be entitled An act relating to reimbursement of Medicaid providers; amending s. 409.908, F.S.; requiring the Agency for Health Care Administration to limit the reimbursement rate for certain specified providers notwithstanding certain provisions and rules to the contrary; providing that the limitations apply to prepaid health plans and nursing home diversion programs; providing for application; providing an effective date.

Pursuant to Rule 7.6, **House Amendment 1 (430129)** constituted an entirely new bill and was not published in the Journal.

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House of Representatives has passed HB 7009, as amended, and requests the Senate to concur with the bill as passed by the House. In event the Senate does not concur, the House requests that a Conference Committee be appointed. The Speaker has appointed as Conferees on the part of the House: Rep. Sansom (Chair): At-Large—Reps. Bogdanoff, Cretul, Cusack, Hasner, Saunders, Seiler and Zapata; Rep. Cannon (Chair, Economic Expansion & Infrastructure), Reps. Hukill, Aubuchon, Boyd, Patterson and Reed; Rep. Mayfield (Chair, Environment & Natural Resources), Reps. Troutman, Bowen, Brandenburg, Grimsley, Kendrick and Macheck; Rep. Attkisson (Chair, Gov't Efficiency & Accountability), Reps. Grant and Gibbons; Rep. Bean (Chair, Healthcare), Reps. Zapata, Ausley, Galvano, R. Garcia, Hays, Patronis and Taylor; Rep. Reagan (Chair, Jobs & Entrepreneurship), Reps. Brown, Chestnut, Murzin, Richardson and Weatherford; Rep. Kravitz (Chair, Safety & Security), Reps. Ross, Adams, A. Gibson, Kelly, Needelman, Planas, Sachs, N. Thompson and Thurston; Rep. Pickens (Chair, Schools & Learning), Reps. Traviesa, Altman, Bendross-Mindingall, Coley, Flores, Ford, Heller, Kiar and Simmons.

*William S. Pittman III*, Chief Clerk

## CORRECTION AND APPROVAL OF JOURNAL

The Journal of March 4 was corrected and approved.

## CO-INTRODUCERS

Senators Baker—SB 154; Bennett—SB 1242; Bullard—CS for SJR 2308; Deutch—SB 668; Gaetz—SB 1080; Hill—SM 1600; Joyner—SB 780, SB 848; Justice—SB 572; Lawson—SB 678; SM 1600; Lynn—SB 1026, SB 1044, SB 1046, CS for SB 1048, SB 1384; Margolis—SB 920; Peaden—SB 1704; Storms—SB 36

## RECESS

On motion by Senator King, the Senate recessed at 11:43 a.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:00 a.m., Wednesday, March 12 or upon call of the President.