# Journal of the Senate

**Number 18—Regular Session** **Thursday, April 27, 2000**

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## CALL TO ORDER

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

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| Madam President | Dawson | Jones | Mitchell |
| Bronson | Diaz de la Portilla | King | Myers |
| Brown-Waite | Diaz-Balart | Kirkpatrick | Rossin |
| Burt | Dyer | Klein | Saunders |
| Campbell | Forman | Kurth | Scott |
| Carlton | Geller | Latvala | Sebesta |
| Casas | Grant | Laurent | Silver |
| Childers | Hargrett | Lee | Sullivan |
| Clary | Holzendorf | McKay | Thomas |
| Cowin | Horne | Meek | Webster |

Excused: Senator Sullivan from 3:30 p.m. until 4:30 p.m.

## PRAYER

The following prayer was offered by the Rev. J.W. Hunt, Pastor, Springfield Community Church, Springfield:

Dear God, we thank you for the great nation that you have blessed us with and for the many varieties of food that we have to eat each day. Thank you for the men and women you have used to bless us in the past.

We ask you to lead us at this time and guide the great men and women we now have in office. Let them be blessed with the same blessing of discernment and your presence. May harmony and peace be granted. These things we ask of you today. Amen.

## PLEDGE

Senate Pages Bianca Davis of Chiefland and Michael Russ of Chipley, led the Senate in the pledge of allegiance to the flag of the United States of America.

## ADOPTION OF RESOLUTIONS

At the request of Senator King—

By Senator King—

**SR 1968**—A resolution recognizing December 15, 2000, as Bill of Rights Day.

WHEREAS, the first 10 amendments to the United States Constitution are referred to as the Bill of Rights, which limit and define the powers of government, and

WHEREAS, several of the original states refused to ratify the Constitution without an express Bill of Rights, and

WHEREAS, the Bill of Rights recognizes, affirms, and protects fundamental human and civil rights for which persons of all races have struggled for thousands of years, and

WHEREAS, the Bill of Rights secures our freedom to speak, print, read, assemble, pray, petition the government, and keep and bear arms; protects us from unreasonable arrests and searches, excessive bail, double jeopardy, coerced confessions, and cruel and unusual punishment; and secures our rights to due process, jury trials, and counsel, and to present defense witnesses, and

WHEREAS, the Bill of Rights protects our sovereign state from the excesses of the Federal Government, and

WHEREAS, the Bill of Rights is integral to the American way of life, and America celebrates a variety of civic holidays that remind us of the special contributions and sacrifices made by our forefathers and leaders to preserve, protect, and extend our freedoms, and

WHEREAS, the Bill of Rights energizes our military defense because members of the Armed Services of the United States swear an oath to preserve and defend the United States Constitution, which includes the Bill of Rights, and when American military personnel fight and die for our country, they do so to protect our rights and freedoms under the Bill of Rights, and

WHEREAS, a Bill of Rights Day would help prevent the Bill of Rights from being otherwise forgotten, and since many Americans do not know the Bill of Rights, this special day would encourage our schools to teach children this aspect of our American heritage, and

WHEREAS, a Bill of Rights Day would declare America's commitment to fundamental human rights to the whole world, and

WHEREAS, just as celebrating religious holidays reminds Americans of our religious beliefs and traditions, a Bill of Rights Day would remind Americans of the manner in which our history and philosophy have secured the rights for which oppressed people everywhere still yearn, and

WHEREAS, a Bill of Rights Day would be a memorial day honoring the personal sacrifices and deaths of countless millions of people who have struggled for basic human and civil rights over thousands of years, and

WHEREAS, a Bill of Rights Day would remind all elected and appointed officials and employees of the state and local executive, legislative, and judicial branches of government that their authority and powers are limited, and

WHEREAS, a Bill of Rights Day would remind all members of government that they serve the citizens, not rule them, and that the citizens always hold the right to restrain government, and

WHEREAS, the rights and freedoms guaranteed by the Bill of Rights deserve perennial celebrations and the sacrifices made to protect the Bill of Rights deserve eternal remembrance, and

WHEREAS, the Bill of Rights of the United States Constitution was ratified on December 15, 1791, NOW, THEREFORE,

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

That December 15, 2000, is recognized as Bill of Rights Day in Florida.

BE IT FURTHER RESOLVED that all governmental bodies in Florida be encouraged to observe the Bill of Rights Day in a manner that brings to mind the meaning and importance of each of the 10 provisions contained in this resolution.

—**SR 1968** was introduced, read and adopted by publication.

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At the request of Senator Sebesta—

By Senator Sebesta—

**SR 2750**—A resolution recognizing July 1-7, 2000, as Merit Shop Construction Week in Florida.

WHEREAS, the construction industry employs more than 348,000 workers and is the fourth largest industry in this state, and

WHEREAS, total employment in the construction industry is more than double the cumulative employment in agriculture, forestry, and fishing, and

WHEREAS, merit shop construction has a record of higher workplace safety and lower fatality rates than union shops and the industry average, and

WHEREAS, the construction industry creates $1.12 of additional economic activity for each dollar spent on construction, and

WHEREAS, building permits provide $14 billion in tax revenue in this state, and

WHEREAS, 5.42 percent of the total state sales tax in this state is contributed by the building and construction industry, and

WHEREAS, 98 percent of all construction in this state is done by merit shop craftsmen, NOW, THEREFORE,

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

That July 1-7, 2000, is recognized as Merit Shop Construction Week in Florida.

—**SR 2750** was introduced, read and adopted by publication.

## MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator McKay, by two-thirds vote **CS for CS for SB 1806**, **SB 318** and **SJR 824** were withdrawn from the Committee on Rules and Calendar; **HB 2375** was withdrawn from the Committee on Health, Aging and Long-Term Care; **CS for SB 66**, **CS for SB 866**, **CS for SB 1352**, **CS for SB 1398**, **CS for SB 1428**, **SB 1432**, **SB 1830**, **CS for SB 2456**, **SB 2500** and **SB 2566** were withdrawn from the Committee on Fiscal Policy; **CS for SB 310** and **CS for SB 1856** were withdrawn from the Committee on Children and Families; **CS for SB's 1284, 1476, 1528 and 1616** was withdrawn from the Committee on Commerce and Economic Opportunities; **CS for SB's 1530 and 1456** was withdrawn from the Committee on Comprehensive Planning, Local and Military Affairs; **CS for SB 1554** was withdrawn from the Committee on Criminal Justice; **CS for SB 1868** and **SB 2334** were withdrawn from the Committee on Agriculture and Consumer Services; **CS for SB 2346** was withdrawn from the Committee on Fiscal Resource; **CS for SB 2550** was withdrawn from the Committee on Transportation; **CS for SB 2594** was withdrawn from the Committee on Banking and Insurance; and **CS for SB 1866** was withdrawn from the Committee on Judiciary

## MOTIONS

On motion by Senator McKay, the rules were waived and by two-thirds vote **CS for CS for SB's 4 and 380** was placed first on the Special Order Calendar for this day.

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

## SPECIAL ORDER CALENDAR

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

**CS for CS for SB's 4 and 380**—A bill to be entitled An act relating to the Florida Building Code; amending s. 120.80, F.S.; prohibiting the Florida Building Commission from granting a waiver or variance from code requirements; providing for alternative means of compliance and enforcement; amending s. 125.01, F.S.; authorizing counties to enforce and amend the Florida Building Code, rather than adopt a building code; amending s. 125.56, F.S.; substituting references to the Florida Building Code for references to locally adopted building codes; providing for enforcement and amendment of the Florida Fire Prevention Code; amending s. 161.0415, F.S.; requiring the permitting agency to cite to a specific provision of the Florida Building Code when requesting information on a coastal construction permit; amending ss. 161.052, 161.053, F.S.; providing that certain provisions must be incorporated into the Florida Building Code; providing rulemaking authority to the Florida Building Commission; preserving certain rights and authority of the Department of Environmental Protection; amending s. 161.05301, F.S.; deleting authority of the department to delegate coastal construction building codes review to local governments; amending the deadline by which current department positions must support implementation of a beach management plan; amending s. 161.55, F.S.; deleting structural requirements for specific types of coastal structures; amending s. 161.56, F.S.; deleting authority of local governments to enforce coastal construction standards; deleting authority of local governments to adopt specific building codes; amending s. 235.26, F.S.; eliminating authority of the Commissioner of Education to adopt a uniform statewide building code for public educational and ancillary facilities; authorizing the commissioner to develop such a code and submit it to the Florida Building Commission for adoption; providing specific requirements for the development of the code; requiring specific types of construction to conform to the Florida Building Code and the Florida Fire Prevention Code; providing for enforcement of the codes by school districts, community colleges, and the Department of Education; providing for review of and updates to the code; amending s. 253.033, F.S.; replacing references to local building codes with references to the Florida Building Code; amending s. 255.25, F.S.; deleting the requirement that the Department of Management Services approve design and construction plans for state agency buildings; amending s. 255.31, F.S.; eliminating authority of the department to conduct plan reviews and inspection services; providing exceptions; amending s. 316.1955, F.S.; deleting parking requirements for persons who have disabilities; amending s. 381.006, F.S.; eliminating the Department of Health's authority to adopt regulations governing sanitary facilities in public places and places of employment; amending s. 383.301, F.S.; amending the legislative intent regarding regulation of birth centers; amending s. 383.309, F.S.; eliminating the authority of the Agency for Health Care Administration to adopt certain rules governing birth centers; providing for adoption of those standards within the Florida Building Code and the Florida Fire Prevention Code; authorizing the agency to enforce specified provisions of the Florida Building Code and the Florida Fire Prevention Code; amending s. 394.879, F.S.; eliminating the authority of the Department of Children and Family Services or the Agency for Health Care Administration to adopt certain rules governing crisis stabilization units; providing for adoption of those standards within the Florida Building Code; authorizing the agency to enforce specified provisions of the Florida Building Code; amending s. 395.0163, F.S.; providing that construction of certain facilities is governed by the Florida Building Code and the Florida Fire Prevention Code; providing for plan reviews and construction surveys by the Agency for Health Care Administration; clarifying that inspection and approval includes compliance with the Florida Building Code; amending s. 395.1055, F.S.; eliminating the authority of the Agency for Health Care Administration to adopt standards for construction of licensed facilities; providing for adoption of those standards within the Florida Building Code; authorizing the agency to enforce specified provisions of the Florida Building Code and the Florida Fire Prevention Code; amending s. 395.10973, F.S.; authorizing the Agency for Health Care Administration to enforce specified provisions of the Florida Building Code; amending s. 399.02, F.S.; eliminating the Division of Elevator Safety's authority to adopt certain codes and provide exceptions thereto; requiring the division to develop a code and submit it to the Florida Building Commission for adoption; authorizing the division to enforce specified provisions of the Florida Building Code; requiring the division to review and recommend revisions to the Florida Building Code; amending ss. 399.03, 399.13, F.S.; substituting references to the Florida Building Code for references to the Elevator Safety Code; amending s. 399.061, F.S.; revising requirements

for elevator inspections and service maintenance contracts; amending s. 400.011, F.S.; revising the purpose of part I of ch. 400, F.S., to eliminate the provision of construction standards for nursing homes and related health care facilities; amending s. 400.23, F.S.; eliminating the authority of the Agency for Health Care Administration to adopt construction regulations for nursing homes and related health care facilities; authorizing the agency to enforce specified provisions of the Florida Building Code; directing the agency to assist the Florida Building Commission; amending s. 400.232, F.S.; providing that the design and construction of nursing homes is governed by the Florida Building Code and the Florida Fire Prevention Code; authorizing the agency to conduct plan reviews and construction surveys of those facilities; amending s. 455.2286, F.S.; revising the effective date for implementing an automated information system; amending s. 468.604, F.S.; substituting references to the Florida Building Code for references to listed locally adopted codes; amending s. 468.607, F.S.; providing for the continuing validity of the certifications of certain building inspectors and plans examiners for a certain period of time; amending s. 468.609, F.S.; clarifying the prerequisites for taking certain certification examinations; amending s. 468.617, F.S.; adding school boards, community college boards, state agencies, and state universities as entities that may contract for joint inspection services or contract with other certified persons to perform plan reviews and inspection services; amending s. 469.002, F.S.; eliminating a required asbestos disclosure statement; providing for inclusion of such a statement within the Florida Building Code; amending s. 471.015, F.S.; authorizing the Board of Professional Engineers to establish qualifications for special inspectors of threshold buildings and to establish qualifications for the qualified representative of such a special inspector; providing for minimum qualifications for qualified representatives; amending s. 481.213, F.S.; authorizing the Board of Architecture and Interior Design to establish qualifications for certifying licensed architects as special inspectors of threshold buildings and to establish qualifications for the qualified representative of such a special inspector; amending s. 489.103, F.S.; substituting references to the Florida Building Code for references to locally adopted codes; amending s. 489.107, F.S.; requiring that the office of the Construction Industry Licensing Board be in Leon County; amending ss. 489.115, 497.255, 553.06, 553.141, 553.503, 553.506, 553.512, 553.73, 553.74, F.S.; replacing references to the Board of Building Codes and Standards with references to the Florida Building Commission; amending s. 500.09, F.S.; clarifying that the Department of Agriculture and Consumer Services may not adopt construction regulations for food establishments; requiring the adoption of such regulations within the Florida Building Code; authorizing the department to enforce specified provisions of the Florida Building Code; preserving the department's authority to adopt and enforce sanitary regulations; amending s. 500.12, F.S.; authorizing the department to enforce specific provisions of the Florida Building Code; providing a requirement for obtaining or renewing a local occupational license; amending s. 500.147, F.S.; authorizing the department to enforce specific provisions of the Florida Building Code; amending s. 509.032, F.S.; clarifying that the Division of Hotels and Restaurants may not adopt construction standards for public food and public lodging establishments; providing for the adoption of such standards within the Florida Building Code and the Florida Fire Prevention Code; authorizing the division to enforce specified provisions of the Florida Building Code and the Florida Fire Prevention Code; preserving the authority of local governments to inspect public food and public lodging establishments for compliance with the Florida Building Code and the Florida Fire Prevention Code; amending s. 509.221, F.S.; substituting references to the Florida Building Code for references to other state and local codes; amending s. 514.021, F.S.; providing that the Department of Health may not adopt construction regulations for public swimming pools and bathing places; providing for the adoption of such standards within the Florida Building Code; authorizing the department to conduct plan reviews, to issue approvals, and to enforce specified provisions of the Florida Building Code; preserving the department's authority to adopt and enforce sanitary regulations; amending s. 514.03, F.S.; preserving local governments' authority to conduct plan reviews and inspections for compliance with the Florida Building Code; amending s. 553.06, F.S.; amending portions of the State Plumbing Code by replacing a reference to the board with a reference to the commission; amending s. 553.141, F.S.; deleting specific requirements for the ratio of public restroom facilities for men and women; requiring the incorporation of such requirements into the Florida Building Code; requesting the Division of Statutory Revision to change a title; creating s. 553.355, F.S.; establishing minimum construction requirements for manufactured buildings; amending s. 553.36, F.S.; providing for approval of building components; redefining the term "manufactured building" to include certain storage sheds and to exclude manufactured housing; defining the term "module"; updating references to the Florida Building Code; amending s. 553.37, F.S.; authorizing the Department of Community Affairs to adopt certain rules; providing that, if the department delegates certain authority, manufacturers shall have plan reviews and inspections conducted by a single agency; transferring rulemaking authority to the Florida Building Commission; creating s. 553.375, F.S.; providing for recertification of manufactured buildings; amending s. 553.38, F.S.; transferring to the Florida Building Commission authority to adopt rules governing manufactured buildings; amending s. 553.381, F.S.; providing for certification of manufacturers of manufactured buildings; providing certification requirements; transferring authority for construction standards to the Florida Building Commission; amending s. 553.39, F.S.; replacing the department's rules with the Florida Building Code; creating s. 553.5041, F.S.; providing requirements for parking accommodations for persons who have disabilities; amending s. 553.512, F.S.; providing that the commission may not waive specified requirements for parking for persons who have disabilities; providing that applicants for waiver must have applied for variance from specified local requirements; deleting the word "handicapped"; amending s. 553.71, F.S.; redefining the term "threshold building"; defining the terms "special inspector" and "prototype building"; amending s. 553.72, F.S.; amending legislative intent relating to the Florida Building Code; amending s. 553.73, F.S.; expanding the list of regulations to be included in the Florida Building Code; clarifying the limitations applicable to administrative amendments to the code; clarifying the effect on local governments of adopting and updating the Florida Building Code; specifying that amendments to certain standards or criteria are effective statewide or on a regional basis upon adoption by the commission; providing for the immediate effect of certain amendments to the Florida Building Code in certain circumstances; revising criteria for commission approval of amendments to the Florida Building Code; prescribing which edition of the Florida Building Code applies to a given project; authorizing the Florida Building Commission to provide exceptions to the exemptions; providing for review of decisions of certain local government officials; delegating certain responsibilities to the State Fire Marshal, rather than the Department of Insurance; amending s. 553.77, F.S.; revising the powers of the commission; providing for fees for product approval; correcting a cross-reference; amending s. 553.781, F.S.; clarifying that the Department of Business and Professional Regulation conducts disciplinary investigations and takes disciplinary actions; amending s. 553.79, F.S.; replacing the term "mobile home" with the term "manufactured home"; deleting the authority of the Department of Community Affairs to establish qualifications for and certify special inspectors; revising the responsibilities of special inspectors; requiring the Florida Building Commission to establish standards for specified structures; deleting standards for specified structures; providing for alternative plan review by a registered architect or engineer under certain circumstances; clarifying that building code plan review is required independent of firesafety plan review; deleting specific requirements for the submittal of plans; directing the Florida Building Commission to adopt requirements for plan review; revising standards for determining costs; amending s. 553.80, F.S.; consolidating all exemptions from local enforcement of the building code; providing for uses of facility maintenance permits by school boards, community college boards, and state universities; amending ss. 553.83, 553.84, 553.85, F.S.; replacing references to local codes and state minimum codes with references to the Florida Building Code; amending s. 553.841, F.S.; creating the Office of Building Code Training Program Administration and providing its duties; amending s. 553.842, F.S.; requiring the commission to make recommendations to the Legislature for a statewide product approval system; exempting certain counties from the statewide product approval system; amending s. 553.901, F.S.; transferring the authority to adopt the thermal efficiency code from the Department of Community Affairs to the Florida Building Commission; amending s. 553.902, F.S.; amending the term "exempted building"; deleting an exemption; authorizing the commission to recommend additional exemptions; deleting the term "energy performance index"; amending s. 553.903, F.S.; deleting an obsolete requirement relating to thermal efficiency; amending s. 553.907, F.S.; deleting requirements for certification of compliance to local governments; amending s. 553.9085, F.S.; deleting obsolete references; amending s. 553.909, F.S.; deleting specific requirements for water heaters; directing that such requirements be set in the energy code; amending s. 627.0629, F.S.; requiring a rating manual to include discounts for certain fixtures and construction techniques; amending ss. 633.01, 633.0215, 633.025, F.S.; replacing references to the Department of Insurance with references to the State Fire Marshal; amending s. 633.0215, F.S., the Florida Fire Prevention Code; providing for triennial

adoption of the code; providing requirements for local amendments; exempting certain ordinances from adoption by the State Fire Marshal; amending s. 633.025, F.S.; prescribing minimum firesafety standards; amending s. 633.022, F.S.; authorizing a local authority to charge a fee for an inspection; amending provisions relating to smoke detector requirements in residential buildings; providing requirements for adopting local firesafety codes and standards; amending s. 633.72, F.S.; revising the membership of the Florida Fire Code Advisory Council; revising duties of the council with regard to the Florida Building Commission; amending s. 655.962, F.S.; deleting specific construction requirements for automated teller machines; requiring such requirements to be adopted into the Florida Building Code; amending s. 62 of ch. 98-287, Laws of Florida; deleting the requirement that the Legislature approve or reject the Florida Building Code, provide for repeal of local codes on a date certain, and provide for certain local ordinances to remain effective; amending s. 68 of ch. 98-287, Laws of Florida; revising the future repeal of certain sections of the Florida Statutes to provide a date certain, and to transfer and renumber a certain section; providing that the Legislature has reviewed the Florida Building Code and directing the Florida Building Commission to continue the process to adopt the code; providing that certain changes in the code are not subject to rule challenge; providing for determining the cost differential between building under the old code and building under the new code; providing procedures; providing for applicability of the analysis to insurance rates; requiring a report to the Governor and the Legislature; establishing the windborne debris region for the state; deleting disclosure requirements; exempting certain counties from local-amendment procedures; exempting certain types of amendments from the local-amendment procedures; requiring the Florida Building Commission to amend the plumbing, permits, and inspection sections of the Florida Building Code as specified; providing for alternative plan review by a registered architect or engineer under certain circumstances; authorizing the continuation of a select committee; appropriating funds to the State Fire Marshal for training and education; repealing ss. 125.0106, 255.21(2), 553.79(11), F.S.; providing that nothing in the act is intended to imply any repeal or sunset of any existing general or special law not specifically identified; providing effective dates.

—which was previously considered April 26. Pending **Amendment 1** by Senator Diaz-Balart was adopted.

Senator Clary moved the following amendments which were adopted:

**Amendment 2 (173618)**—On page 30, line 19, after "*Code*" insert: *and local amendments to the Florida Fire Prevention Code*

**Amendment 3 (843022)(with title amendment)**—On page 39, between lines 29 and 30, insert:

Section 11. Section 240.2945, Florida Statutes, is created to read:

*240.2945 Building construction standards; exemptions.—The state universities are exempt from local amendments to the Florida Building Code and the Fire Prevention Code.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 21, after the first semicolon (;) insert: creating s. 240.2945, F.S.; exempting state universities from local amendments to the Florida Building Code and the Fire Prevention Code;

**Amendment 4 (213048)(with title amendment)**—On page 67, delete line 6 and insert: ~~coursework within 6 months after such certification~~.

*Before January 1, 2001, any individual who is employed by an educational board as a building code administrator, plans examiner, or inspector and who is not eligible for a standard certificate but wishes to continue in such employment, shall submit to the board the appropriate application and certification fees and shall receive a limited certificate that qualifies the individual to engage in building code administration, plans examination, or inspection in the class, at the performance level, and within the governmental jurisdiction in which the individual is employed.*

And the title is amended as follows:

On page 5, line 25, after the semicolon (;) insert: providing for a limited certificate to be issued to an employee of an educational board before a specified date;

**Amendment 5 (203818)**—On page 104, lines 19-21, delete those lines and insert: *commission may not waive the requirements of s. 553.5041(5)(a) and (c)1. governing the minimum width of the accessible route and the minimum width of accessible parking spaces.*

**Amendment 6 (272606)**—On page 106, lines 4-8, delete those lines and insert:

Section 67. Effective January 1, 2001, subsection (5) of section 553.71, Florida Statutes, and subsection (7) of that section, as amended by this act, are amended, and subsection (10) is added to that section, to read:

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

(5) "Local enforcement agency" means an agency of local government, *a local school board, a community college board, or a university in the State University System* with *jurisdiction* ~~authority~~ to make inspections of buildings and to enforce the codes which establish standards for design, construction, erection, alteration, repair, modification, or demolition of public or private buildings, structures, or facilities.

**Amendment 7 (730110)(with title amendment)**—On page 107, lines 25-31, delete those lines and insert:

Section 69. Effective January 1, 2001, paragraph (c) of subsection (1) and subsections (2), (4), (5), (6), (7), (8), (9), (10), (11), and (12) of section 553.73, Florida Statutes, as amended by section 40 of chapter 98-287, Laws of Florida, as amended by section 61 of chapter 98-419, Laws of Florida, are amended to read:

553.73 Florida Building Code.—

(1)

(c) The Florida Fire Prevention Code and the Life Safety Code shall be referenced in the Florida Building Code, but shall be adopted, modified, revised, or amended, interpreted, and maintained by the Department of Insurance by rule adopted pursuant to ss. 120.536(1) and 120.54. *The Florida Building Commission may not adopt a fire prevention or life safety code and* nothing in the Florida Building Code shall affect the statutory powers, duties, and responsibilities of any fire official or the Department of Insurance.

And the title is amended as follows:

On page 10, line 2, after the semicolon (;) insert: prohibiting the Florida Building Commission from adopting a fire prevention or life safety code;

Senator Thomas moved the following amendment which was adopted:

**Amendment 8 (535180)**—On page 115, line 2, after "*(b),*" insert: *(c),*

Senator Clary moved the following amendments which were adopted:

**Amendment 9 (814690)**—On page 129, line 20 through page 130, line 7, delete those lines and insert: Code. *In addition, an enforcing agency may not*

**Amendment 10 (173838)**—On page 136, line 10, after "*alterations*" insert: *and inspections*

**Amendment 11 (210408)(with title amendment)**—On page 138, lines 1-4, delete those lines and insert:

Section 79. Subsections (2), (3), and (9) of section 553.841, Florida Statutes, are amended, and subsection (11) is added to that section, to read:

553.841 Building code training program; participant competency requirements.—

(2) The commission shall establish *by rule* the Building Code Training Program to develop and provide a core curriculum and advance module courses relating to the Florida Building Code and a system of administering and enforcing the Florida Building Code.

(3) The program shall be developed, implemented, and administered by the commission in consultation with the Department of Education,

the Department of Community Affairs, the Department of Business and Professional Regulation, *the State Fire Marshall,* the State University System, and the Division of Community Colleges.

(9) The commission, in consultation with the Department of Business and Professional Regulation, shall develop or cause to be developed, or approve as a part of the program, a core curriculum and specialized or advanced module coursework for the construction workforce, including, but not limited to, superintendents *and*~~,~~ journeymen~~, and residential designers~~.

And the title is amended as follows:

On page 11, line 26, after the second semicolon (;) insert: requiring the Florida Building Commission to establish a training program by rule; providing for consultation with the State Fire Marshal; eliminating residential designers from the program;

Senator Lee offered an amendment which was subsequently withdrawn.

Senator Clary moved the following amendments which were adopted:

**Amendment 12 (954286)**—On page 146, line 6, before the period (.) insert: *, but shall not adopt a building, mechanical, or plumbing code*

**Amendment 13 (680122)**—On page 146, lines 23-25, delete those lines and insert: *code. No*

**Amendment 14 (413164)(with title amendment)**—On page 150, line 15 through page 151, line 6, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 13, lines 1-3, delete those lines and insert: standards; amending provisions relating

**Amendment 15 (322106)(with title amendment)**—On page 156, line 15 through page 158, line 2, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 13, lines 10-14, delete those lines and insert: Florida Building Commission; amending s. 62 of

**Amendment 16 (455572)**—On page 160, delete line 8 and insert: *Commission for use in reviewing the Florida Building*

**Amendment 17 (134862)**—On page 161, lines 3-26, delete those lines and insert:

*(5) The following areas of the state are defined as the "windborne debris region" for residential construction and appurtenant structures:*

*(a) All land south of the 28th latitudinal parallel within the 120 mph and higher wind zones as established in ASCE 7-98;*

*(b) On the eastern coast of the state, all land within 5 miles of the coast north from the 28th latitudinal parallel;*

*(c) On the western coast of the state, all land within 3 miles of the coast north from the 28th latitudinal parallel, to the end of the 120 mph wind zone, as established in ASCE 7-98, in Taylor County;*

*(d) On the western coast of the state, all land within 1 mile of the coast, from the end of the 120 mph wind zone in Taylor County, as established in ASCE 7-98, to the Florida-Alabama state line.*

*The exact location of the line 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.*

*(6) The windborne debris region for nonresidential construction is as adopted by the Florida Building Commission.*

(Redesignate subsequent subsections.)

**Amendment 18 (120228)**—On page 162, lines 1-10, delete those lines and redesignate subsequent sections.

**Amendment 19 (591696)**—On page 163, line 30, after the period (.) insert: *The building official is responsible for ensuring that any person conducting a plan review is qualified as a plans examiner under part XII of chapter 468, and that any person conducting inspections is qualified as a building inspector under part XII of chapter 468.*

**Amendment 20 (212740)**—On page 164, lines 7 and 13, after the period (.) insert: *The building official is responsible for ensuring that any person conducting inspections is either qualified as a building inspector under part XII of chapter 468 or certified as a special inspector under chapter 471 or chapter 481.*

Senator Mitchell moved the following amendment which was adopted:

**Amendment 21 (095560)(with title amendment)**—On page 165, between lines 12 and 13, insert:

Section 102. *The Florida Building Commission shall examine the applicability of the full proposed Florida Building Code to buildings manufactured and assembled offsite but not intended for human habitation, such as storage sheds and lawn storage buildings. The commission shall consider whether such buildings should be subject to the same standards applicable to buildings intended for human habitation; the feasibility of constructing such buildings to such standards; the additional financial costs associated with compliance with such standards; the risk reduction effects associated with such compliance; and the long-term economic and practical consequences attendant to such compliance. The commission shall report its findings and recommendations for legislative change, if any, to the President of the Senate and the Speaker of the House of Representatives by January 1, 2001.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 14, line 23, after the semicolon (;) insert: directing the Florida Building Commission to examine the applicability of the code to buildings not intended for human habitation; requiring a report;

Senator Holzendorf moved the following amendment which was adopted:

**Amendment 22 (865648)(with title amendment)**—On page 70, lines 22-26, delete those lines

And the title is amended as follows:

On page 6, lines 21-24, delete those lines and insert: references to locally adopted codes; amending ss. 489.115, 497.255,

Pursuant to Rule 4.19, **CS for CS for SB's 4 and 380** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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On motion by Senator Laurent—

**CS for SB 1212**—A bill to be entitled An act relating to the judiciary; providing intent; providing a basis for funding the court system, the public defender's offices, the state attorneys' offices, and the court-related functions of the clerks of the court; providing a phase-in schedule; defining the essential elements of the court system; defining the essential elements of the state attorneys' offices; defining the essential elements of the public defenders' offices; defining the essential elements of court-appointed counsel; providing definitions for county funding responsibilities; creating the Article V Financial Accountability and Efficiency Workgroup; providing for membership; providing responsibilities; creating a process for certain counties to cover extraordinary criminal case-related costs; providing for the establishment of pilot projects in three counties to fund costs of conflict counsel; requiring clerks to provide specified information to the Legislature; creating the Joint Legislative Committee on Article V; providing for membership and duties; providing appropriations; providing a limitation on funding; amending ss. 216.001, 216.011, F.S.; redefining the term "state agency"; amending s.

216.0172, F.S.; requiring the judicial branch to submit a performance-based program budget; amending s. 216.023, F.S.; excepting the judicial branch from submitting final legislative budget requests to the Governor; amending s. 216.0235, F.S.; excepting the judicial branch from submitting final legislative program budget requests; amending s. 216.0166, F.S.; providing requirements for performance-based program budgeting for the judicial branch; providing an effective date.

—was read the second time by title.

Senator Laurent moved the following amendments which were adopted:

**Amendment 1 (500244)**—On page 10, line 14, delete "*, for example,*" and insert: *and*

**Amendment 2 (344976)**—On page 12, lines 25-29, delete those lines and insert: *supporting the offices of the circuit or county courts, the public defenders' offices, the state attorneys' offices, or those portions of the offices of the clerks of the circuit and county courts performing court-related functions that are used to carry out the court-related activities of those entities.*

**Amendment 3 (122474)**—On page 16, line 27 through page 17, line 12, delete those lines and insert:

Section 10. *Contingency fund.—*

*(1) Any county with a population of less than 85,000, according to the most recent decennial census, may apply to the Office of the State Courts Administrator for additional funding to cover extraordinary criminal case related costs.*

*(2) The Office of the State Courts Administrator, in consultation with the chairs of the appropriations committees of the Legislature, shall develop a process whereby counties may request funds pursuant to this section. Such process shall be consistent with legislative intent regarding this act. The Office of the State Courts Administrator shall review any request for funds by a county under this section and, if the Office of the State Courts Administrator determines that a request is valid, it may provide assistance upon finding a qualifying county's budget is inadequate to cover extraordinary criminal case related costs and that the deficiency will result in an impairment of the operations of the county.*

*(3) The State Courts Administrator shall submit a report on a quarterly basis, including a complete accounting of the contingency fund.*

**Amendment 4 (075196)**—On page 20, lines 18-22, delete those lines and insert: *prosecutor, or the clerks of the circuit and county courts.*

**Amendment 5 (215756)**—On page 21, line 20, delete "*For*" and insert: *Solely for*

**Amendment 6 (243684)**—On page 6, line 9, delete "*provide a process*" and insert: *create a contingency fund*

**Amendment 7 (563164)**—On page 9, lines 24-26, delete those lines and insert: *of the circuit or county courts, public defenders' offices, state attorneys' offices, and court-related functions of the office of the clerks of the circuit and county courts and all storage. The*

**Amendment 8 (982286)(with title amendment)**—On page 23, line 20 through page 24, line 14, delete those lines and insert:

Section 20. *Supreme Court Workload Study Commission.—*

*(1) The Legislature finds that the number of justices has not increased since 1940 and that therefore it is necessary and beneficial to the furtherance of an efficient and effective judiciary to study the workload of the Florida Supreme Court.*

*(2) The Supreme Court Workload Study Commission is created and is assigned to the Office of the State Courts Administrator for administrative and fiscal purposes only. The Supreme Court Workload Study Commission shall consist of seven members to be appointed on or before July 15, 2000, as follows:*

*(a) The Speaker of the House of Representatives shall appoint three members. One of the members must be a member of the House of Representatives and a member in good standing of The Florida Bar. At least one of the other two members must be a member in good standing of The Florida Bar.*

*(b) The President of the Senate shall appoint three members. One of the members must be a member of the Senate and a member in good standing of The Florida Bar. At least one of the other two members must be a member in good standing of The Florida Bar.*

*(c) The Chief Justice of the Florida Supreme Court shall appoint one member who has served on the Supreme Court but who is not presently serving, and who shall serve as chair of the commission.*

*(3) Members of the commission shall serve without compensation, except for per diem and reimbursement of travel expenses as provided by section 112.061, Florida Statutes. A vacancy on the commission shall be filled in the same manner as the original appointment.*

*(4) In consultation with the Office of Program Policy Analysis and Government Accountability, the Office of the State Courts Administrator shall conduct a workload study of the Supreme Court. The results of the study shall be provided to the commission by November 1, 2000.*

*(5) Using the study and associated data delivered by the Office of the State Courts Administrator and any other relevant data, the commission shall develop recommendations for addressing workload issues, including, but not limited to, the need for additional justices on the Supreme Court. The commission shall report its recommendation to the Joint Legislative Committee on Article V, the Speaker of the House of Representatives, the President of the Senate, and the Chief Justice of the Supreme Court by February 15, 2001.*

*(6) It is the intent of the Legislature that the commission be staffed by the Joint Legislative Committee on Article V, and that the commission automatically terminate upon submission of its report to the Legislature.*

Section 21. Subsection (1) is amended and a new subsection (6) is added to section 216.0166, Florida Statutes, to read:

216.0166 Submission by state agencies of performance-based budget requests, programs, and performance measures.—

(1) *Except as provided in subsection (6)* prior to September 1 of the fiscal year prior to which a state agency is required to submit a performance-based program budget request pursuant to s. 216.0172, such state agency shall identify and submit to the Executive Office of the Governor a list of proposed state agency programs and performance measures. The agency may also provide a list of statutes or rules affecting its performance which may be addressed as incentives or disincentives for the performance-based program budget. The list should be accompanied by recommended legislation to implement the requested changes for potential incentives. Such identification shall be conducted after discussion with legislative appropriations and appropriate substantive committees and shall be approved by the Executive Office of the Governor. The Executive Office of the Governor, after discussion with legislative appropriations and appropriate substantive committees and the Office of Program Policy Analysis and Government Accountability, shall review the list of programs and performance measures, may make any changes or require the agency to resubmit the list, and shall make a final recommendation of programs and associated performance measures to the Legislature within 60 days after receipt, to be used in the preparation and submission of the state agency's final legislative budget request pursuant to s. 216.023(5). The Executive Office of the Governor may also recommend legislation to implement any or all of the proposed incentives. Agencies continuing under performance-based program budgeting may provide as part of their legislative budget request a list of statutes or rules affecting their program performance which may be addressed as incentives or disincentives for the performance-based program budget.

*(6) Prior to September 15 of the fiscal year prior to which the judicial branch is required to submit a performance-based program budget request pursuant to s. 216.0172, the Chief Justice shall identify and, after consultation with the Office of Program Policy Analysis and Government Accountability and legislative staff of the appropriate substantive and appropriations committees in the Senate and the House of Representatives, shall submit to the Legislature a list of proposed programs and associated performance measures. The judicial branch shall provide documentation to accompany the list of proposed programs and performance measures as provided under subsection (2). The judicial branch shall*

*submit a performance-based program legislative budget request pursuant to s. 216.0172, using the programs and performance measures adopted by the Legislature. The Chief Justice may propose revisions to approved programs or performance measures for the judicial branch. The Legislature shall have final approval of all programs and associated performance measures and standards for the judicial branch through the General Appropriations Act or legislation implementing the General Appropriations Act.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 5, after the semicolon (;) insert: creating the Supreme Court Workload Study Commission; providing members; providing duties; providing staffing; requiring a report;

Pursuant to Rule 4.19, **CS for SB 1212** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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On motion by Senator Burt—

**CS for SB 1466**—A bill to be entitled An act relating to the state budgetary process; revising procedures used in submitting and reviewing requests for state funds; amending s. 216.011,F.S.; revising, deleting, and adding definitions; creating s. 216.013, F.S.; requiring agencies to submit long-range program plans; amending s. 216.015, F.S.; revising legislative findings; amending s. 216.0152, F.S.; changing the date for publishing a certain report; amending s. 216.0158, F.S.; revising procedures for determination of facility needs; amending s. 216.016, F.S.; requiring additional information in the Governor's recommended budget; amending s. 216.023, F.S.; prescribing procedures for submitting agency budget requests to the Legislature; amending s. 216.031, F.S.; revising procedures relating to legislative budget requests; amending s. 216.044, F.S.; revising procedures relating to budget evaluation by the Department of Management Services; amending s. 216.0446, F.S.; revising procedures relating to review of information resources management needs; amending s. 216.052, F.S.; providing procedure for submitting community budget requests; amending s. 216.081, F.S.; revising the schedule for submission of data relating to the judicial and legislative branches; amending s. 216.131, F.S.; revising procedures relating to public hearings; amending s. 216.133, F.S.; revising, deleting, and adding definitions; amending s. 216.134, F.S.; revising procedures to be used by estimating conferences; amending s. 216.136, F.S.; revising duties of the Economic Estimating Conference; abolishing the Transportation Estimating Conference; creating the Self-Insurance Estimating Conference and the Florida Retirement System Actuarial Assumption Conference; amending s. 216.141, F.S.; revising provisions relating to the planning and budgeting system; amending s. 216.151, F.S.; revising duties of the Executive Office of the Governor; amending s. 216.162, F.S.; revising procedures relating to furnishing legislators with copies of the Governor's recommended budget; amending s. 216.163, F.S.; revising provisions relating to form and content of the Governor's recommended budget; amending s. 216.177, F.S.; revising provisions relating to appropriation act statements of intent and to required notices of budgetary action; amending s. 216.178, F.S.; requiring additional notice before the vote on an appropriations act; revising duties of the Governor with respect to statements of costs of state debts and obligations; amending s. 216.179, F.S.; prohibiting reinstatement by a state agency of vetoed appropriations administratively; amending s. 216.181, F.S.; revising procedures relating to approved budgets for operations and fixed capital outlay; revising restrictions on increases on salary rate; prescribing procedures with respect to nonoperating budgets; deleting obsolete provisions; creating s. 216.1825, F.S.; requiring zero-based budgeting reviews; providing for use of zero-based budgeting principles; amending s. 216.183, F.S.; revising provisions relating to development of charts of accounts; amending s. 216.192, F.S.; revising procedures relating to release of appropriations; amending s. 216.195, F.S.; defining the term "impoundment" for purposes of impoundment of funds; amending s. 216.212, F.S.; revising duties of the Executive Office of the Governor and the Office of the Comptroller with respect to budgets for federal funds; creating s. 216.216, F.S.; prescribing procedures to be used with respect to funds subject to a court settlement negotiated by the state; amending s. 212.221, F.S.; revising procedures to be used in the event of budget deficits; amending s. 216.251, F.S.; revising procedures relating to salary appropriations for certain employees; amending s. 216.262, F.S.; revising provisions relating to increases in authorized positions; defining the term "perquisites" for purposes of limiting the furnishing thereof; amending s. 216.271, F.S.; defining the term "revolving fund"; amending s. 216.292, F.S.; revising provisions relating to limits on and procedures for transfers of appropriations; amending s. 216.321, F.S.; conforming terminology to changes made by the act; amending s. 11.45, F.S.; prescribing duties of the Auditor General with respect to direct-support and citizen support organizations; creating s. 11.90, F.S.; creating the Legislative Budget Commission; amending s. 120.65, F.S.; deleting 21-day time limitation on action by the Executive Office of the Governor; amending s. 121.031, F.S.; deleting provisions relating to the Florida Retirement System Actuarial Assumption Conference; amending s. 186.002, F.S.; changing "state agency strategic" plan to "long-range program" plan; amending s. 186.003, F.S.; redefining the term "state agency"; amending s. 186.021, F.S.; requiring each state agency to develop a long-range program plan annually; amending s. 186.022, F.S.; requiring submission of information resource strategic plans; amending s. 186.901, F.S.; revising provisions relating to production of population estimates; amending s. 215.18, F.S.; providing authority for the Governor to approve transfers between funds to avoid deficits; amending s. 215.22, F.S.; exempting Tobacco Settlement Trust Funds from service charge to general revenue; amending s. 215.32, F.S.; authorizing the Governor to combine trust funds under certain conditions; amending ss. 240.209, 240.20941, 240.279, 288.7091, 320.20, 337.023, 339.135, 376.15, 392.69, F.S., to conform terminology and references to changes made by the act; transferring, renumbering, and amending s. 216.3491, F.S.; providing for the Florida Single Audit Act; renumbering s. 216.331, F.S., relating to disbursement of state moneys; renumbering s. 216.3505, F.S., relating to refinancing of bonds; repealing s. 216.001, F.S., relating to definitions; repealing s. 216.0154, F.S., relating to assessment of trends and conditions affecting need for capital facilities; repealing s. 216.0162, F.S., relating to monitoring and evaluation of capital facilities planning and budgeting; repealing s. 216.0166, F.S., relating to submission of performance-based budget requests, programs, and performance measures; repealing s. 216.0172, F.S., relating to the schedule for submission of performance-based program budgets; repealing s. 216.0235, F.S., relating to furnishing of performance-based legislative program budget requests; repealing s. 216.0315, F.S., relating to budgets of state agencies that have international programs; repealing s. 216.091, F.S., relating to statements by the Comptroller; repealing s. 216.111, F.S., relating to financial statements and schedules and other reports; repealing s. 216.281, F.S., relating to construction of terms; repealing s. 216.286, F.S., relating to release of funds under the Florida Employment Opportunity Act; providing applicability; providing an effective date.

—was read the second time by title.

Senator Burt moved the following amendments which were adopted:

**Amendment 1 (530218)**—On page 7, lines 19-21, delete those lines and insert:

(e) "Budget entity" means a unit or function at the lowest level to which funds are specifically appropriated in the appropriations act. *"Budget entity" and "service" have the same meaning.*

**Amendment 2 (871114)**—On page 12, lines 8 and 9, delete those lines and insert:

*(dd)*~~(ff)~~ "Program component" means an aggregation of generally related objectives which, because of their

**Amendment 3 (930192)**—On page 17, line 24 through page 18, line 31, delete those lines and insert:

*(3) Long-range program plans shall be submitted to the Executive Office of the Governor by August 1 of each year in a form and manner prescribed by the Executive Office of the Governor and the chairs of the legislative appropriations committees. Such long-range program plans for the Judicial Branch shall be submitted by the Chief Justice of the Supreme Court to the President of the Senate and the Speaker of the House of Representatives, and a copy shall be provided to the Executive Office of the Governor.*

*(4) The Executive Office of the Governor shall review the long-range program plans for executive agencies to ensure that they are consistent with the state's goals and objectives and other requirements as specified in the written instructions and that they provide the framework and context for the agency's budget request. In its review, the Executive Office of the Governor shall consider the findings of the Technology Review*

*Workgroup as to the consistency of the information technology portion of long-range program plans with the State Annual Report on Information Resources Management and statewide policies recommended by the State Technology Council and the state's plan for facility needs pursuant to s. 216.0158. Based on the results of the review, the Executive Office of the Governor may require an agency to revise the plan.*

*(5) Executive agencies shall incorporate all revisions required by the Governor within 14 working days.*

*(6) Any differences between executive agencies regarding the programs, policies, or long-range program plans of such agencies shall be mediated by the Executive Office of the Governor.*

*(7) Each executive agency shall transmit copies of its long-range program plan and all written comments on its plan to the President of the Senate and the Speaker of the House of Representatives not later than 60 days prior to the next regular session of the Legislature.*

*(8) Long-range program plans developed pursuant to this chapter are not rules and therefore are not subject to the provisions of chapter 120.*

*(9) Agencies and the Judicial Branch shall make appropriate adjustments to their long-range program plans to be consistent with the appropriations and performance measures in the General Appropriations Act. Agencies and the Judicial Branch have until June 15 to make adjustments to their plans and submit the adjusted plans to the Executive Office of the Governor for review.*

**Amendment 4 (763360)**—On page 86, lines 22-24, delete those lines and insert: Appropriations Act. ~~Additionally, subsection (3) shall not apply to programs operating under performance based program budgeting where a lump sum was appropriated.~~

**Amendment 5 (454718)**—On page 88, line 4, after "*outlay*," insert: *risk management insurance, transfer to Division of Administrative Hearings,*

**MOTION**

On motion by Senator McKay, the rules were waived and time of recess was extended until completion of **CS for SB 1466**.

Senator Rossin moved the following amendments which were adopted:

**Amendment 6 (832088)**—On page 120, lines 20-22, delete those lines and insert:

*(t)*~~(u)~~ "State project-specific audit" means an audit of one state project *performed* in accordance with the requirements of *subsection (9)* ~~this section~~.

**Amendment 7 (095518)**—On page 122, delete line 17 and insert: organizations)*, and disbursements of federal financial assistance, as to whether the party to the transaction is or is not a recipient or subrecipient.*

**Amendment 8 (743148)**—On page 130, lines 8-11, delete those lines and insert:

*(a) Determine whether the nonstate entity's schedule of state financial assistance is presented fairly in all material respects in conformity with stated accounting policies.*

Senator Burt moved the following amendments which were adopted:

**Amendment 9 (104850)**—On page 131, line 27, after "*Sections*" insert: *27.38, 27.60,*

**MOTION**

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

**Amendment 10 (274634)**—On page 9, line 28, after "Commission." insert: *Solely for the purposes of implementing s. 19(h), Art. III of the State Constitution under this chapter, "state agency" or "agency" includes the judicial branch.*

**Amendment 11 (251358)**—On page 25, line 1 through page 27, line 3, delete those lines and insert:

*(5) Prior to September 15 of the fiscal year prior to which the judicial branch is required to submit a performance-based program budget request, the Chief Justice of the Supreme Court shall identify and, after consultation with the Office of Program Policy Analysis and Government Accountability, submit to the President of the Senate and the Speaker of the House of Representatives a list of proposed programs and associated performance measures. The judicial branch shall provide documentation to accompany the list of proposed programs and performance measures as provided under s. 216.023(4). The judicial branch shall submit a performance-based program agency budget request using the programs and performance measures adopted by the Legislature. The Chief Justice may propose revisions to approved programs or performance measures for the judicial branch. The Legislature shall have final approval of all programs and associated performance measures and standards for the judicial branch through the General Appropriations Act or legislation implementing the General Appropriations Act. By September 15, 2001, the Chief Justice of the Supreme Court shall submit to the President of the Senate and the Speaker of the House of Representatives a performance-based program budget request for programs of the judicial branch approved by the Legislature and provide a copy to the Executive Office of the Governor.*

*(6) Agencies must maintain a comprehensive performance accountability system and provide a list of performance measures maintained by the agency which are in addition to the measures approved by the Legislature.*

*(7) Annually, no later than 45 days after the General Appropriations Act becomes law, executive agencies shall submit to the Executive Office of the Governor adjustments to their performance standards based on the amounts appropriated for each program by the Legislature. When such an adjustment is made, all performance standards, including any adjustments made, shall be reviewed and revised as necessary by the Executive Office of the Governor and, upon approval, submitted to the Legislature pursuant to the review and approval process provided in s. 216.177. The Senate Committee on Fiscal Policy and the House of Representatives Fiscal Responsibility Council shall advise Senate substantive committees and House of Representatives substantive committees, respectively, of all adjustments made to performance standards or measures. The Executive Office of the Governor shall maintain both the official record of adjustments to the performance standards as part of the agency's approved operating budget and the official performance ledger. As used in this section, "performance ledger" means the official compilation of information about state agency performance-based programs and measures, including approved programs, approved outputs and outcomes, baseline data, approved standards for each performance measure and any approved adjustments thereto, as well as actual agency performance for each measure.*

~~(4) Each agency and the judicial branch shall submit for review a preliminary legislative budget request to the Executive Office of the Governor, in the form and manner prescribed in ss. 216.031 and 216.043, in accordance with the legislative budget instructions, and at such time as may be prescribed by the Executive Office of the Governor.~~

*(8) Annually, no later than 45 days after the General Appropriations Act becomes law, the judicial branch shall make adjustments to any performance standards for approved programs based on the amount appropriated for each program, which shall be submitted to the Legislature pursuant to the notice and review process provided in s. 216.177. The Senate Committee on Fiscal Policy and the House Fiscal Responsibility Council shall advise Senate substantive committees and House substantive committees, respectively, of all adjustments made to performance standards or measures.*

*(9)*~~(5)~~ The Executive Office of the Governor shall review the *agency* ~~preliminary legislative~~ budget request for technical compliance with the budget format provided for in the budget instructions. The Executive Office of the Governor shall notify the agency or the judicial branch of any adjustment required. The agency or judicial branch shall make the appropriate corrections *as requested* ~~in preparing its final legislative budget request~~. If the appropriate technical corrections are not made *as requested* ~~in the final legislative budget requests~~, the Executive Office of the Governor *shall* ~~may~~ adjust the budget request to incorporate the appropriate technical corrections in the format of the request.

*(10)*~~(6)~~ At any time after the Governor and the Chief Justice submit their recommended *agency* budgets to the Legislature, the head of the agency or judicial branch may amend his or her request by transmitting to the Governor and the Legislature an amended request in the form and manner prescribed in the ~~legislative~~ budget instructions.

*(11) The budget request from each agency and from the judicial branch shall be reviewed by the Legislature. The review may allow for the opportunity to have information or testimony by the agency, the judicial branch, the Auditor General, the Office of Program Policy Analysis and Government Accountability, the Governor's Office of Planning and Budgeting, and the public regarding the proper level of funding for the agency in order to carry out its mission.*

*(12) In order to ensure an integrated state planning and budgeting process, the agency long-range plan should be reviewed by the Legislature.*

**Amendment 12 (524110)**—On page 39, line 12, after "*and*" insert: *, if available,*

**Amendment 13 (833652)**—On page 59, delete line 8 and insert: submit a recommendation *for executive agencies,* which may include a recommendation

**Amendment 14 (021294)**—On page 59, line 11, after "state agency." insert: *The Chief Justice shall review the findings of the Office of Program Policy Analysis and Government Accountability regarding judicial branch performance and make appropriate recommendations for the judicial branch.*

**Amendment 15 (373062)**—On page 69, line 23, after "*division*" insert: *and for the judicial branch, which shall be controlled at the branch level*

Pursuant to Rule 4.19, **CS for SB 1466** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

## MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator McKay, the rules were waived and the Special Order Subcommittee of the Committee on Rules and Calendar was granted permission to meet this day from 6:00 p.m. or upon recess until completion.

## MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Kirkpatrick, by two-thirds vote **SB 1472**, **SB 142**, **SB 1468**, **SB 1474** and **SB 1822** were withdrawn from the committees of reference and further consideration.

On motion by Senator Dyer, by two-thirds vote **SB 6** was withdrawn from the committees of reference and further consideration.

## RECESS

On motion by Senator McKay, the Senate recessed at 12:08 p.m. to reconvene at 1:15 p.m.

## AFTERNOON SESSION

The Senate was called to order by the President at 1:27 p.m. A quorum present—40:

| | | | |
|---|---|---|---|
| Madam President | Dawson | Jones | Mitchell |
| Bronson | Diaz de la Portilla | King | Myers |
| Brown-Waite | Diaz-Balart | Kirkpatrick | Rossin |
| Burt | Dyer | Klein | Saunders |
| Campbell | Forman | Kurth | Scott |
| Carlton | Geller | Latvala | Sebesta |
| Casas | Grant | Laurent | Silver |
| Childers | Hargrett | Lee | Sullivan |
| Clary | Holzendorf | McKay | Thomas |
| Cowin | Horne | Meek | Webster |

## MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Campbell, by two-thirds vote **SB 146**, **SB 424**, **SB 444**, **SB 692**, **SB 1020**, **SB 1022**, **SB 1038**, **SB 1364**, **SB 1580**, **SB 1920**, **SB 1962**, **SB 1984**, **SB 1986**, **SB 2410**, **SB 2568** and **SB 2596** were withdrawn from the committees of reference and further consideration.

## SPECIAL ORDER CALENDAR, continued

On motion by Senator Latvala—

**CS for SB's 1834 and 694**—A bill to be entitled An act relating to consumer financial transactions; creating the "Fair Accountability in Interest Rates Act of 2000"; providing legislative intent; providing definitions; requiring licensure by the Department of Banking and Finance to act as a title loan lender; providing for application for licensure; requiring a bond, a nonrefundable application fee, a nonrefundable investigation fee, and fingerprinting; providing for waiver of fingerprinting; providing for inactive licenses; providing for renewal and reactivation of licenses; providing for a renewal fee and a reactivation fee; providing for disposition of certain moneys; providing for acquisition of an interest in a licensee under certain circumstances; providing for denial, suspension, or revocation of a license; specifying acts that constitute violations for which certain disciplinary actions may be taken; providing a fine; providing remedies for title loans made or serviced without licensure; providing for a title loan agreement; providing requirements; providing for reclaiming a repossessed motor vehicle under certain circumstances; providing entitlement to certain excess proceeds of a sale or disposal of a motor vehicle; providing for recordkeeping and reporting and safekeeping of property; providing for title loan interest rates; providing requirements and limitations; providing for extensions; providing for return of principal and interest to the borrower under certain circumstances; providing a holding period when there is a failure to reclaim pledged property; providing for the disposal of pledged property; providing for disposition of excess proceeds; prohibiting certain acts; providing for the right to reclaim; providing for lost title loan agreements; providing for a title loan lender's lien; providing for criminal penalties; providing for subpoenas, enforcement of actions, and rules; providing for investigations and complaints; authorizing the department to adopt rules; amending ss. 538.03, 538.16, F.S.; repealing provisions relating to title loan transactions; permitting more-restrictive local ordinances; providing an appropriation; repealing ss. 538.03(1)(i), 538.06(5), 538.15(4) and (5), F.S., relating to title loan transactions by secondhand dealers; amending s. 560.309, F.S.; prescribing deposit requirements for payment instruments; providing for severability; providing effective dates.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB's 1834 and 694** to **CS for HB 301**.

Pending further consideration of **CS for SB's 1834 and 694** as amended, on motion by Senator Latvala, by two-thirds vote **CS for HB 301** was withdrawn from the Committee on Governmental Oversight and Productivity.

On motion by Senator Latvala—

**CS for HB 301**—A bill to be entitled An act relating to title loan transactions; creating the "Florida Title Loan Act"; providing legislative intent; providing definitions; requiring licensure by the Department of Banking and Finance to act as a title loan lender; providing for application for licensure; requiring a bond, a nonrefundable application fee, a nonrefundable investigation fee, and fingerprinting; providing for waiver of fingerprinting; providing for inactive licenses; providing for renewal and reactivation of licenses; providing for a renewal fee and a reactivation fee; providing for disposition of certain moneys; providing for acquisition of an interest in a licensee under certain circumstance; providing for denial, suspension, or revocation of license; specifying acts which constitute violations for which certain disciplinary actions may be taken; providing a fine; providing remedies for title loans made or serviced without licensure; providing for a title loan agreement; providing requirements; providing for reclaiming a repossessed motor vehicle under certain circumstances; providing entitlement to certain excess proceeds of a sale or disposal of a motor vehicle; providing for recordkeeping and reporting and safekeeping of property; providing for title loan interest rates; providing requirements and limitations; providing

for extensions; providing for return of principal and interest to the borrower under certain circumstance; providing a holding period when there is a failure to reclaim; providing for the disposal of pledged property; providing for disposition of excess proceeds; prohibiting certain acts; providing for the right to reclaim; providing for lost title loan agreements; providing for a title loan lenders lien; providing for criminal penalties; providing for subpoenas, enforcement of actions, and rules; providing for investigations and complaints; authorizing the department to adopt rules; amending ss. 538.03 and 538.16, F.S.; deleting provisions relating to title loan transactions; providing for more restrictive local ordinances; providing an appropriation; repealing ss. 538.03(1)(i), 538.06(5), and 538.15(4) and (5), F.S., relating to title loan transactions by secondhand dealers; providing severability; providing effective dates.

—a companion measure, was substituted for **CS for SB's 1834 and 694** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 301** was placed on the calendar of Bills on Third Reading.

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**CS for CS for SB 1368**—A bill to be entitled An act relating to the Department of Transportation; amending s. 20.23, F.S.; providing for a change in administrative duties; providing for an additional district office; providing additional responsibilities of the Transportation Commission; amending s. 206.8745, F.S.; providing for a refund of tax paid on undyed diesel fuel consumed by the engine of a qualified motor coach during idle time for certain purposes; defining "motor coach"; providing restrictions on refunds; providing for proper documentation; granting the Department of Revenue authority to adopt rules; amending s. 311.07, F.S.; expanding the use of certain seaport funds; amending ss. 316.302, 316.516, 316.545, F.S.; updating cross-references to the current federal safety regulations; deleting references to weight and safety officers; amending s. 316.515, F.S.; deleting a reference to an automobile transporter height limit; repealing s. 316.610(3), F.S., relating to commercial motor vehicle inspections; amending s. 330.30, F.S.; removing the requirement for joint submission of applications for airport site approval and for an airport license; amending s. 332.004, F.S.; expanding the definition of the term "airport or aviation development project" to include off-site airport noise mitigation projects; amending s. 334.044, F.S.; authorizing the department to purchase promotional items for use in certain public awareness campaigns; amending s. 335.02, F.S.; providing a maximum-lane policy; amending ss. 335.141, 341.302, F.S.; repealing the department's authority to regulate train operating speeds; amending ss. 336.41, 336.44, 255.20, 337.14, F.S.; providing that any contractor prequalified by the State of Florida is presumed qualified to bid on projects in excess of $250,000 for county and expressway authority projects; amending s. 336.025, F.S.; expanding the authorized uses of the local option fuel tax; amending s. 337.025, F.S.; authorizing highway maintenance projects to be included in the innovative highway program; amending s. 337.11, F.S.; authorizing the department to combine the right-of-way phase of certain projects into a single contract; amending s. 337.14, F.S.; extending the period of validity of contractor prequalification; amending s. 337.175, F.S.; providing for retainage flexibility; amending s. 338.161, F.S.; authorizing the department to promote the use of toll facilities; amending s. 338.165, F.S.; providing an exemption for high-occupancy toll lanes; amending s. 339.12, F.S.; increasing the current cap on the local government advance reimbursement program; amending s. 339.135, F.S.; deleting an obsolete requirement for identification of advanced right-of-way acquisition projects in the tentative work program; amending s. 339.155, F.S.; clarifying the public participation process in transportation planning; conforming provisions to federal requirements; amending s. 339.175, F.S.; providing duties of the Metropolitan Planning Technical Advisory Committee; providing for a coordinating committee in certain metropolitan planning organizations; amending s. 341.051, F.S.; deleting an obsolete provision for public transit capital projects; amending s. 343.56, F.S.; authorizing the use of certain federal funds to pay principal and interest on bonds; amending s. 373.4137, F.S.; providing a technical correction; providing an effective date.

—was read the second time by title.

Senators Kurth and Myers offered the following amendment which was moved by Senator Kurth and adopted:

**Amendment 1 (181130)(with title amendment)**—Between page 49, line 31 and page 50, line 1, insert:

Section 33. Paragraph (a) of subsection (6) of section 332.007, Florida Statutes, is amended to read:

332.007 Administration and financing of aviation and airport programs and projects; state plan.—

(6) Subject to the availability of appropriated funds, the department may participate in the capital cost of eligible public airport and aviation development projects in accordance with the following rates, unless otherwise provided in the General Appropriations Act or the substantive bill implementing the General Appropriations Act:

(a) The department may fund up to 50 percent of the portion of eligible project costs which are not funded by the Federal Government, except that the department may initially fund up to 75 percent of the cost of land acquisition for a new airport or for the expansion of an existing airport which is owned and operated by a municipality, a county, or an authority, and shall be reimbursed to the normal statutory project share when federal funds become available or within 10 years after the date of acquisition, whichever is earlier. *However, the reimbursement period for general aviation airports may be extended by mutual agreement of the department and the municipality, county, or authority that owns or operates the airport.* Due to federal budgeting constraints, the department may also initially fund the federal portion of eligible project costs subject to:

1. The department receiving adequate assurance from the Federal Government or local sponsor that this amount will be reimbursed to the department; and

2. The department having adequate funds in the work program to fund the project.

Such projects must be contained in the Federal Government's Airport Capital Improvement Program, and the Federal Government must fund, or have funded, the first year of the project.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 16, after the semicolon (;) insert: amending s. 332.007, F.S.; allowing the reimbursement period for certain airports to be extended;

Senator Webster moved the following amendment which was adopted:

**Amendment 2 (425460)(with title amendment)**—On page 9, line 10 through page 10, line 22 delete those lines and insert:

Section 3. Section 215.617, Florida Statutes, is created to read:

*215.617 Bonds for the Florida Seaport Transportation and Economic Development Program.—*

*(1) The Division of Bond Finance, on behalf of the Florida Seaport Transportation and Economic Development Council, is authorized to issue revenue bonds pursuant to s. 11, Art. VII of the State Constitution and the State Bond Act for the purposes of financing or refinancing fixed capital requirements of the Florida Seaport Transportation and Economic Development Program as provided in chapter 311 and s. 320.20(3) and (4) and funding seaport access projects of statewide significance as provided in s. 341.053.*

*(2) The revenue bonds issued pursuant to this section shall not constitute a general obligation of or a pledge of the full faith and credit of the state or any of its agencies.*

*(3) Bonds issued pursuant to this section shall be payable solely from funds pledged pursuant to s. 320.20(3) and (4). Such funds shall be assigned and pledged as security and deposited in trust with the State Board of Administration pursuant to the terms of an agreement entered into among the ports and the State Board of Administration.*

Section 4. Paragraph (b) of subsection (3) and subsection (6) of section 311.07, Florida Statutes, is amended to read:

311.07 Florida seaport transportation and economic development funding.—

(3)

(b) Projects eligible for funding by grants under the program are limited to the following port facilities or port transportation projects:

1. Transportation facilities within the jurisdiction of the port.

2. The dredging or deepening of channels, turning basins, or harbors.

3. The construction or rehabilitation of wharves, docks, structures, jetties, piers, storage facilities, cruise terminals, automated people mover systems, or any facilities necessary or useful in connection with any of the foregoing.

4. The acquisition of container cranes or other mechanized equipment used in the movement of cargo or passengers in international commerce.

5. The acquisition of land to be used for port purposes.

6. The acquisition, improvement, enlargement, or extension of existing port facilities.

7. Environmental protection projects which are necessary because of requirements imposed by a state agency as a condition of a permit or other form of state approval; which are necessary for environmental mitigation required as a condition of a state, federal, or local environmental permit; which are necessary for the acquisition of spoil disposal sites and improvements to existing and future spoil sites; or which result from the funding of eligible projects listed herein.

8. Transportation facilities as defined in s. 334.03(31) which are not otherwise part of the Department of Transportation's adopted work program.

9. Seaport intermodal access projects identified in the 5-year Florida Seaport Mission Plan as provided in s. 311.09(3).

*10. Construction or rehabilitation of port facilities as defined in s. 315.02 in ports listed in s. 311.09(1) with operating revenues of $5 million or less, provided that such projects create economic development opportunities, capital improvements, and positive financial returns to such ports.*

(6) The Department of Transportation shall subject any project that receives funds pursuant to this section *and s. 320.20* to a final audit. The department may adopt rules and perform such other acts as are necessary or convenient to ensure that the final audits are conducted and that any deficiency or questioned costs noted by the audit are resolved.

Section 5. Subsections (1), (4), (6), (7), (8), (11) and (12) of section 311.09, Florida Statutes, are amended to read:

311.09 Florida Seaport Transportation and Economic Development Council.—

(1) The Florida Seaport Transportation and Economic Development Council is created within the Department of Transportation. The council consists of the following 17 members: the port director, or the port director's designee, of each of the ports of Jacksonville, Port Canaveral, Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee, St. Petersburg, Tampa, Port St. Joe, Panama City, Pensacola, Key West, and Fernandina; the secretary of the Department of Transportation or his or her designee ~~as an ex officio nonvoting member~~; the director of the Office of Tourism, Trade, and Economic Development or his or her designee ~~as an ex officio nonvoting member~~; and the secretary of the Department of Community Affairs or his or her designee ~~as an ex officio nonvoting member~~.

(4) The council shall adopt rules for evaluating projects which may be funded under *ss.* ~~s.~~ 311.07 *and 320.20*. The rules shall provide criteria for evaluating the economic benefit of the project, measured by the potential for the proposed project to increase cargo flow, cruise passenger movement, international commerce, port revenues, and the number of jobs for the port's local community.

(6) The Department of Community Affairs shall review the list of projects approved by the council to determine consistency with approved local government comprehensive plans of the units of local government in which the port is located and consistency with the port master plan. The Department of Community Affairs shall identify and notify the council of those projects which are not consistent, to the maximum extent feasible, with such comprehensive plans and port master plans. *The Department of Community Affairs may overrule any action of the council approving a project.*

(7) The Department of Transportation shall review the list of projects approved by the council for consistency with the Florida Transportation Plan and the department's adopted work program. In evaluating the consistency of a project, the department shall determine whether the transportation impact of the proposed project is adequately handled by existing state-owned transportation facilities or by the construction of additional state-owned transportation facilities as identified in the Florida Transportation Plan and the department's adopted work program. In reviewing for consistency a transportation facility project as defined in s. 334.03(31) which is not otherwise part of the department's work program, the department shall evaluate whether the project is needed to provide for projected movement of cargo or passengers from the port to a state transportation facility or local road. If the project is needed to provide for projected movement of cargo or passengers, the project shall be approved for consistency as a consideration to facilitate the economic development and growth of the state in a timely manner. The Department of Transportation shall identify those projects which are inconsistent with the Florida Transportation Plan and the adopted work program and shall notify the council of projects found to be inconsistent. *The Department of Transportation may overrule any action of the council approving a project.*

(8) The Office of Tourism, Trade, and Economic Development, in consultation with Enterprise Florida, Inc., shall review the list of projects approved by the council to evaluate the economic benefit of the project and to determine whether the project is consistent with the Florida Seaport Mission Plan. The Office of Tourism, Trade, and Economic Development shall review the economic benefits of each project based upon the rules adopted pursuant to subsection (4). The Office of Tourism, Trade, and Economic Development shall identify those projects which it has determined do not offer an economic benefit to the state or are not consistent with the Florida Seaport Mission Plan and shall notify the council of its findings. *The Office of Tourism, Trade, and Economic Development may overrule any action of the council approving a project.*

(11) The council shall meet at the call of its chairperson, at the request of a majority of its membership, or at such times as may be prescribed in its bylaws. However, the council must meet at least semiannually. A majority of voting members of the council constitutes a quorum for the purpose of transacting the business of the council. All members of the council are voting members ~~except for members representing the Department of Transportation; the Department of Community Affairs; and the Office of Tourism, Trade, and Economic Development~~. A vote of the majority of the voting members present is sufficient for any action of the council, *except that a member representing the Department of Transportation, the Department of Community Affairs, or the Office of Tourism, Trade, and Economic Development may overrule any action of the council approving a project. The* ~~unless the~~ bylaws of the council *may* require a greater vote for a particular action. *However, such bylaws may not affect the overrule authority of the Department of Transportation, the Department of Community Affairs, and the Office of Tourism, Trade, and Economic Development.*

(12) Members of the council shall serve without compensation but are entitled to receive reimbursement for per diem and travel expenses as provided in s. 112.061. The council may elect to provide an administrative staff to provide services to the council on matters relating to the Florida Seaport Transportation and Economic Development Program and the council. The cost for such administrative services shall be paid by all ports that receive funding from the Florida Seaport Transportation and Economic Development Program, based upon a pro rata formula measured by each recipient's share of the funds as compared to the total funds disbursed to all recipients during the year. The share of costs for administrative services shall be paid in its total amount by the recipient port upon execution by the port and the Department of Transportation of a joint participation agreement for each council-approved project, and such payment is in addition to the matching funds required to be paid by the recipient port. *The procurement of outside professional services by the council is subject to s. 287.057 and any written agreements and documentation supporting payments for professional services must be retained by the council.*

Section 6. Subsections (3) and (4) of section 320.20, Florida Statutes, are amended to read:

320.20 Disposition of license tax moneys.—The revenue derived from the registration of motor vehicles, including any delinquent fees and excluding those revenues collected and distributed under the provisions of s. 320.081, must be distributed monthly, as collected, as follows:

(3) Notwithstanding any other provision of law except subsections (1) and (2), on July 1, 1996, and annually thereafter, $15 million shall be deposited in the State Transportation Trust Fund solely for the purposes of funding the Florida Seaport Transportation and Economic Development Program as provided for in chapter 311. Such revenues shall be distributed on a 50-50 matching basis to any port listed in s. 311.09(1) to be used for funding projects as described in s. 311.07(3)(b). *Projects that are funded under this subsection shall be considered state fixed capital outlay projects for bonding purposes.* Such revenues may be assigned, pledged, or set aside as a trust for the payment of principal or interest on bonds, tax anticipation certificates, or any other form of indebtedness issued by *the State Board of Administration, Division of Bond Finance, on behalf of any ports that form a collective interlocal agreement* ~~an individual port or appropriate local government having jurisdiction thereof, or collectively by interlocal agreement among any of the ports~~, or used to purchase credit support to permit such borrowings. However, such debt shall not constitute a general obligation of the State of Florida. *Such bonds in issue and series must mature 30 years from their date of issuance.* The state does hereby covenant with holders of such revenue bonds or other instruments of indebtedness issued hereunder that it will not repeal or impair or amend in any manner which will materially and adversely affect the rights of such holders so long as bonds authorized by this section are outstanding. Any revenues which are not pledged to the repayment of bonds as authorized by this section may be utilized for purposes authorized under the Florida Seaport Transportation and Economic Development Program. This revenue source is in addition to any amounts provided for and appropriated in accordance with s. 311.07. The Florida Seaport Transportation and Economic Development Council shall approve distribution of funds to ports for projects which have been approved pursuant to s. 311.09(5)-(9). The council and the Department of Transportation are authorized to perform such acts as are required to facilitate and implement the provisions of this subsection. To better enable the ports to cooperate to their mutual advantage, the governing body of each port may exercise powers provided to municipalities or counties in s. 163.01(7)(d) subject to the provisions of chapter 311 and special acts, if any, pertaining to a port. The use of funds provided pursuant to this subsection are limited to eligible projects listed in this subsection. Income derived from a project completed with the use of program funds, beyond operating costs and debt service, shall be restricted to further port capital improvements consistent with maritime purposes and for no other purpose. Use of such income for nonmaritime purposes is prohibited. The provisions of s. 311.07(4) do not apply to any funds received pursuant to this subsection.

(4) Notwithstanding any other provision of law except subsections (1), (2), and (3), on July 1, 1999, and annually thereafter, $10 million shall be deposited in the State Transportation Trust Fund solely for the purposes of funding the Florida Seaport Transportation and Economic Development Program as provided in chapter 311 and for funding seaport intermodal access projects of statewide significance as provided in s. 341.053. *Projects that are funded under this subsection shall be considered state fixed capital outlay projects for bonding purposes.* Such revenues shall be distributed to any port listed in s. 311.09(1), to be used for funding projects as follows:

(a) For any seaport intermodal access projects that are identified in the 1997-1998 Tentative Work Program of the Department of Transportation, up to the amounts needed to offset the funding requirements of this section; and

(b) For seaport intermodal access projects as described in s. 341.053(5) that are identified in the 5-year Florida Seaport Mission Plan as provided in s. 311.09(3). Funding for such projects shall be on a matching basis as mutually determined by the Florida Seaport Transportation and Economic Development Council and the Department of Transportation, provided a minimum of 25 percent of total project funds shall come from any port funds, local funds, private funds, or specifically earmarked federal funds; or

(c) On a 50-50 matching basis for projects as described in s. 311.07(3)(b).

(d) For seaport intermodal access projects that involve the dredging or deepening of channels, turning basins, or harbors; or the rehabilitation of wharves, docks, or similar structures. Funding for such projects shall require a 25 percent match of the funds received pursuant to this subsection. Matching funds shall come from any port funds, federal funds, local funds, or private funds.

Such revenues may be assigned, pledged, or set aside as a trust for the payment of principal or interest on bonds, tax anticipation certificates, or any other form of indebtedness issued by *the State Board of Administration, Division of Bond Finance, on behalf of any ports that form a collective interlocal agreement* ~~an individual port or appropriate local government having jurisdiction thereof, or collectively by interlocal agreement among any of the ports~~, or used to purchase credit support to permit such borrowings. However, such debt shall not constitute a general obligation of the state. *Such bonds in issue and series must mature at such time not exceeding 30 years from their date of issuance.* This state does hereby covenant with holders of such revenue bonds or other instruments of indebtedness issued hereunder that it will not repeal or impair or amend this subsection in any manner which will materially and adversely affect the rights of holders so long as bonds authorized by this subsection are outstanding. Any revenues that are not pledged to the repayment of bonds as authorized by this section may be utilized for purposes authorized under the Florida Seaport Transportation and Economic Development Program. This revenue source is in addition to any amounts provided for and appropriated in accordance with s. 311.07 and subsection (3). The Florida Seaport Transportation and Economic Development Council shall approve distribution of funds to ports for projects that have been approved pursuant to s. 311.09(5)-(9), or for seaport intermodal access projects identified in the 5-year Florida Seaport Mission Plan as provided in s. 311.09(3) and mutually agreed upon by the FSTED Council and the Department of Transportation. All contracts for actual construction of projects authorized by this subsection must include a provision encouraging employment of WAGES participants. The goal for employment of WAGES participants is 25 percent of all new employees employed specifically for the project, unless the Department of Transportation and the Florida Seaport Transportation and Economic Development Council can demonstrate to the satisfaction of the Secretary of Labor and Employment Security that such a requirement would severely hamper the successful completion of the project. In such an instance, the Secretary of Labor and Employment Security shall establish an appropriate percentage of employees that must be WAGES participants. The council and the Department of Transportation are authorized to perform such acts as are required to facilitate and implement the provisions of this subsection. To better enable the ports to cooperate to their mutual advantage, the governing body of each port may exercise powers provided to municipalities or counties in s. 163.01(7)(d) subject to the provisions of chapter 311 and special acts, if any, pertaining to a port. The use of funds provided pursuant to this subsection is limited to eligible projects listed in this subsection. The provisions of s. 311.07(4) do not apply to any funds received pursuant to this subsection.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 15-16, delete those lines and insert: rules; creating s. 215.617, F.S.; providing for the issuance of bonds by the Division of Bond Finance; amending s. 311.07, F.S.; expanding the use of certain seaport funds; providing for a final audit of funds; amending s. 311.09, F.S.; providing overrule authority to certain state agencies; providing voting membership to certain state agencies; providing requirements for the procurement of professional services; amending s. 320.20, F.S.; providing certain projects are fixed capital outlay projects; providing bonding authority; providing a timeframe for bond maturity; amending ss.

Senator Myers moved the following amendment which was adopted:

**Amendment 3 (452712)(with title amendment)**—On page 10, between lines 22 and 23, insert:

Section 4. Subsections (2) and (3) of section 316.006, Florida Statutes, are amended to read:

316.006 Jurisdiction.—Jurisdiction to control traffic is vested as follows:

(2) MUNICIPALITIES.—

(a) Chartered municipalities shall have original jurisdiction over all streets and highways located within their boundaries, except state

roads, and may place and maintain such traffic control devices which conform to the manual and specifications of the Department of Transportation upon all streets and highways under their original jurisdiction as they shall deem necessary to indicate and to carry out the provisions of this chapter or to regulate, warn, or guide traffic.

(b) A municipality may exercise jurisdiction over any private road or roads, or over any limited access road or roads owned or controlled by a special district, located within its boundaries if the municipality and party or parties owning or controlling such road or roads provide, by written agreement approved by the governing body of the municipality, for municipal traffic control jurisdiction over the road or roads encompassed by such agreement. Pursuant thereto:

1. Provision for reimbursement for actual costs of traffic control and enforcement and for liability insurance and indemnification by the party or parties, and such other terms as are mutually agreeable, may be included in such an agreement.

2. The exercise of jurisdiction provided for herein shall be in addition to jurisdictional authority presently exercised by municipalities under law, and nothing in this paragraph shall be construed to limit or remove any such jurisdictional authority. Such jurisdiction includes regulation of access to such road or roads by security devices or personnel.

*3. Any such agreement may provide for the installation of multiparty stop signs by the parties controlling the roads covered by the agreement, if a determination is made by such parties that the signage will enhance traffic safety. Multiparty stop signs must conform to the manual and specifications of the Department of Transportation. However, minimum traffic volumes may not be required for the installation of such signage. Enforcement for the signs shall be as provided in s. 316.123.*

This subsection shall not limit those counties which have the charter powers to provide and regulate arterial, toll, and other roads, bridges, tunnels, and related facilities from the proper exercise of those powers by the placement and maintenance of traffic control devices which conform to the manual and specifications of the Department of Transportation on streets and highways located within municipal boundaries.

(3) COUNTIES.—

(a) Counties shall have original jurisdiction over all streets and highways located within their boundaries, except all state roads and those streets and highways specified in subsection (2), and may place and maintain such traffic control devices which conform to the manual and specifications of the Department of Transportation upon all streets and highways under their original jurisdiction as they shall deem necessary to indicate and to carry out the provisions of this chapter or to regulate, warn, or guide traffic.

(b) A county may exercise jurisdiction over any private road or roads, or over any limited access road or roads owned or controlled by a special district, located in the unincorporated area within its boundaries if the county and party or parties owning or controlling such road or roads provide, by written agreement approved by the governing body of the county, for county traffic control jurisdiction over the road or roads encompassed by such agreement. Pursuant thereto:

1. Provision for reimbursement for actual costs of traffic control and enforcement and for liability insurance and indemnification by the party or parties, and such other terms as are mutually agreeable, may be included in such an agreement.

2. Prior to entering into an agreement which provides for enforcement of the traffic laws of the state over a private road or roads, or over any limited access road or roads owned or controlled by a special district, the governing body of the county shall consult with the sheriff. No such agreement shall take effect prior to October 1, the beginning of the county fiscal year, unless this requirement is waived in writing by the sheriff.

3. The exercise of jurisdiction provided for herein shall be in addition to jurisdictional authority presently exercised by counties under law, and nothing in this paragraph shall be construed to limit or remove any such jurisdictional authority.

*4. Any such agreement may provide for the installation of multiparty stop signs by the parties controlling the roads covered by the agreement, if a determination is made by such parties that the signage will enhance traffic safety. Multiparty stop signs must conform to the manual and specifications of the Department of Transportation. However, minimum traffic volumes may not be required for the installation of such signage. Enforcement for the signs shall be as provided in s. 316.123.*

Notwithstanding the provisions of subsection (2), each county shall have original jurisdiction to regulate parking, by resolution of the board of county commissioners and the erection of signs conforming to the manual and specifications of the Department of Transportation, in parking areas located on property owned or leased by the county, whether or not such areas are located within the boundaries of chartered municipalities.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 16, after the semicolon (;) insert: amending s. 316.06, F.S.; authorizing local governments to agree to provide for the installation of multiparty stop signs on certain roads; providing guidelines for the installation of such signage;

Senator Webster moved the following amendment which was adopted:

**Amendment 4 (812014)(with title amendment)**—On page 18, line 16 through page 23, line 20, delete those lines and insert:

Section 11. Paragraph (c) of subsection (1) of section 20.23, Florida Statutes, is amended to read:

20.23 Department of Transportation.—There is created a Department of Transportation which shall be a decentralized agency.

(1)

(c) The secretary shall appoint three assistant secretaries who shall be directly responsible to the secretary and who shall perform such duties as are specified in this section and such other duties as are assigned by the secretary. The secretary may delegate to any assistant secretary the authority to act in the absence of the secretary. *The department has the authority to adopt rules necessary for the delegation of authority beyond the assistant secretaries.* The assistant secretaries shall serve at the pleasure of the secretary.

Section 12. Subsection (4) is added to section 334.187, Florida Statutes, to read:

334.187 Guarantee of obligations to the department.—

*(4) The department is authorized to adopt rules relating to the use of prepaid escrow accounts for purchases from the department.*

Section 13. Section 334.044, Florida Statutes, is amended to read:

334.044 Department; powers and duties.—The department shall have the following general powers and duties:

(1) To assume the responsibility for coordinating the planning of a safe, viable, and balanced state transportation system serving all regions of the state, and to assure the compatibility of all components, including multimodal facilities.

(2) To adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of law conferring duties upon it.

(3) To adopt an official seal.

(4) To maintain its headquarters in Tallahassee and its district offices and necessary field offices at such places within the state as it may designate, and to purchase, build, or lease suitable buildings for such uses.

(5) To purchase, lease, or otherwise acquire property~~,~~ materials, *including the purchase of promotional items as part of public information and education campaigns for the promotion of traffic and train safety awareness, alternatives to single occupant vehicle travel, and commercial motor vehicle safety; to purchase, lease or otherwise acquire* equipment~~,~~ and supplies~~,~~*;* and to sell, exchange, or otherwise dispose of any property *that* ~~which~~ is no longer needed by the department.

(6) To acquire, by the exercise of the power of eminent domain as provided by law, all property or property rights, whether public or private, which it *finds* ~~may determine~~ are necessary to the performance of its duties and the execution of its powers.

(7) To enter into contracts and agreements.

(8) To sue and be sued as provided by law.

(9) To employ and train staff, and to contract with qualified consultants. For the purposes of chapters 471 and 472, the department shall be considered a firm.

(10)(a) To develop and adopt uniform minimum standards and criteria for the design, construction, maintenance, and operation of public roads pursuant to the provisions of s. 336.045.

(b) The department shall periodically review its construction, design, and maintenance standards to ensure that such standards are cost-effective and consistent with applicable federal regulations and state law.

*(c) The department is authorized to adopt rules relating to approval of aggregate and other material sources.*

(11) To establish a numbering system for public roads, to functionally classify such roads, and to assign jurisdictional responsibility.

(12) To coordinate the planning of the development of public transportation facilities within the state and the provision of related transportation services as authorized by law.

(13) To designate existing and to plan proposed transportation facilities as part of the State Highway System, and to construct, maintain, and operate such facilities.

(14) To establish, control, and prohibit points of ingress to, and egress from, the State Highway System, the turnpike, and other transportation facilities under the department's jurisdiction as necessary to ensure the safe, efficient, and effective maintenance and operation of such facilities.

(15) To regulate and prescribe conditions for the transfer of stormwater to the state right-of-way as a result of manmade changes to adjacent properties.

(a) Such regulation shall be through a permitting process designed to ensure the safety and integrity of the Department of Transportation facilities and to prevent an unreasonable burden on lower properties.

(b) The department is specifically authorized to adopt rules which set forth the purpose; necessary definitions; permit exceptions; permit and assurance requirements; permit application procedures; permit forms; general conditions for a drainage permit; provisions for suspension or revocation of a permit; and provisions for department recovery of fines, penalties, and costs incurred due to permittee actions. In order to avoid duplication and overlap with other units of government, the department shall accept a surface water management permit issued by a water management district, the Department of Environmental Protection, a surface water management permit issued by a delegated local government, or a permit issued pursuant to an approved Stormwater Management Plan or Master Drainage Plan; provided issuance is based on requirements equal to or more stringent than those of the department.

(16) To plan, acquire, lease, construct, maintain, and operate toll facilities; to authorize the issuance and refunding of bonds; and to fix and collect tolls or other charges for travel on any such facilities.

(17) To designate limited access facilities on the State Highway System and turnpike projects; to plan, construct, maintain, and operate service roads in connection with such facilities; and to regulate, reconstruct, or realign any existing public road as a service road.

(18) To establish and maintain bicycle and pedestrian ways.

(19) To encourage and promote the development of multimodal transportation alternatives.

(20) To conduct research studies, and to collect data necessary for the improvement of the state transportation system.

(21) To conduct research and demonstration projects relative to innovative transportation technologies.

(22) To cooperate with and assist local governments in the development of a statewide transportation system and in the development of the individual components of the system.

(23) To cooperate with the transportation department or duly authorized commission or authority of any state in the development and construction of transportation facilities physically connecting facilities of this state with those facilities of any adjoining state.

(24) To identify, obtain, and administer all federal funds available to the department for all transportation purposes.

(25) To do all things necessary to obtain the full benefits of the national Highway Safety Act of 1966, and in so doing, to cooperate with federal and state agencies, public and private agencies, interested organizations, and individuals to effectuate the purposes of that act, and any and all amendments thereto. The Governor shall have the ultimate state responsibility for dealing with the Federal Government in respect to programs and activities initiated pursuant to the national Highway Safety Act of 1966, and any amendments thereto.

(26) To provide for the conservation of natural roadside growth and scenery and for the implementation and maintenance of roadside beautification programs. To accomplish this, for fiscal years 1999-2000, 2000-2001, and 2001-2002 no less than 1 percent, and for subsequent fiscal years no less than 1.5 percent of the amount contracted for construction projects shall be allocated by the department to beautification programs. Except where prohibited by federal law or federal regulation and to the extent practical, a minimum of 50 percent of these funds shall be used to purchase large plant materials with the remaining funds for other plant materials and these materials shall be purchased from Florida-based nurseryman stock on a uniform competitive bid basis. The department will develop grades and standards for landscaping materials purchased through this process. To accomplish these activities, the department may contract with nonprofit organizations having the primary purpose of developing youth employment opportunities.

(27) To conduct studies and provide coordination to assess the needs associated with landside ingress and egress to port facilities, and to coordinate with local governmental entities to ensure that port facility access routes are properly integrated with other transportation facilities.

(28) To require persons to affirm the truth of statements made in any application for a license, permit, or certification issued by the department or in any contract documents submitted to the department.

(29) To advance funds for projects in the department's adopted work program to governmental entities prior to commencement of the project or project phase when the advance has been authorized by the department's comptroller and is made pursuant to a written agreement between the department and a governmental entity.

(30) To take any other action necessary to carry out the powers and duties expressly granted in this code.

Section 14. Subsection (1) of section 337.18, Florida Statutes, is amended to read:

337.18 Surety bonds; requirement with respect to contract award; defaults; damage assessments.—

(1) A surety bond shall be required of the successful bidder in an amount equal to the awarded contract price. For a project for which the contract price is $150,000 or less, the department may waive the requirement for all or a portion of a surety bond if it determines the project is of a noncritical nature and nonperformance will not endanger public health, safety, or property. The department may require alternate means of security if a surety bond is waived. The surety on such bond shall be a surety company authorized to do business in the state. All bonds shall be payable to the department and conditioned for the prompt, faithful, and efficient performance of the contract according to plans and specifications and within the time period specified, and for the

prompt payment of all persons furnishing labor, material, equipment, and supplies therefor; however, whenever an improvement, demolition, or removal contract price is $25,000 or less, the security may, in the discretion of the bidder, be in the form of a cashier's check, bank money order of any state or national bank, certified check, or postal money order. *The department shall adopt rules to implement this subsection. Such rules shall include provisions under which the department will refuse to accept bonds on contracts when a surety wrongfully fails or refuses to settle or provide a defense for claims or actions arising under a contract for which the surety previously furnished a bond.*

Section 15. Subsection (1) of section 338.155, Florida Statutes, is amended to read:

338.155 Payment of toll on toll facilities required; exemptions.—

(1) No persons are permitted to use any toll facility without payment of tolls, except employees of the agency operating the toll project when using the toll facility on official state business, state military personnel while on official military business, handicapped persons as provided in this section, persons exempt from toll payment by the authorizing resolution for bonds issued to finance the facility, and persons exempt on a temporary basis where use of such toll facility is required as a detour route. Any Florida highway patrol officer, sheriff, deputy sheriff, or municipal police officer operating a marked official vehicle is exempt from toll payment when on official law enforcement business. The secretary, or the secretary's designee, may suspend the payment of tolls on a toll facility when necessary to assist in emergency evacuation. The failure to pay a prescribed toll constitutes a noncriminal traffic infraction, punishable as a moving violation pursuant to s. 318.18. *The department is authorized to adopt rules relating to guaranteed toll accounts.*

Section 16. Subsection (2) of section 339.09, Florida Statutes, is amended to read:

339.09 Use of transportation tax revenues; restrictions.—

(2) The department may, in cooperation with the Federal Government, expend transportation tax revenues pursuant to rules adopted by the department, for control of undesirable rodents, relocation assistance, and moving costs of persons displaced by highway construction *and other related transportation projects* to the extent, but only to the extent, required by federal law to be undertaken by the state to continue to be eligible for federal highway funds.

Section 17. Section 427.013, Florida Statutes, is amended to read:

427.013 The Commission for the Transportation Disadvantaged; purpose and responsibilities.—The purpose of the commission is to accomplish the coordination of transportation services provided to the transportation disadvantaged. The goal of this coordination shall be to assure the cost-effective provision of transportation by qualified community transportation coordinators or transportation operators for the transportation disadvantaged without any bias or presumption in favor of multioperator systems or not-for-profit transportation operators over single operator systems or for-profit transportation operators. In carrying out this purpose, the commission shall:

(1) Compile all available information on the transportation operations for and needs of the transportation disadvantaged in the state.

(2) Establish statewide objectives for providing transportation services for the transportation disadvantaged.

(3) Develop policies and procedures for the coordination of local government, federal, and state funding for the transportation disadvantaged.

(4) Identify barriers prohibiting the coordination and accessibility of transportation services to the transportation disadvantaged and aggressively pursue the elimination of these barriers.

(5) Serve as a clearinghouse for information about transportation disadvantaged services, training, funding sources, innovations, and coordination efforts.

(6) Assist communities in developing transportation systems designed to serve the transportation disadvantaged.

(7) Assure that all procedures, guidelines, and directives issued by member departments are conducive to the coordination of transportation services.

(8)(a) Assure that member departments purchase all trips within the coordinated system, unless they use a more cost-effective alternative provider.

(b) Provide, by rule, criteria and procedures for member departments to use if they wish to use an alternative provider. Departments must demonstrate either that the proposed alternative provider can provide a trip of acceptable quality for the clients at a lower cost than that provided within the coordinated system, or that the coordinated system cannot accommodate the department's clients.

(9) Develop *by rule* standards *for community transportation coordinators and any transportation operator or coordination contractor from whom service is purchased or arranged by the community transportation coordinator* covering coordination, operation, *safety, insurance, eligibility for service,* costs, and utilization of transportation disadvantaged services. These standards *and rules must* ~~shall~~ include, but not be limited to:

(a) Inclusion, by rule, of acceptable ranges of trip costs for the various modes and types of transportation services provided.

(b) Minimum performance standards for the delivery of services. These standards *must* ~~should~~ be included in coordinator *contracts* and *transportation* operator contracts with clear penalties for repeated or continuing violations.

*(c) Minimum liability insurance requirements for all transportation services purchased, provided, or coordinated for the transportation disadvantaged through the community transportation coordinator.*

(10) Adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of ss. 427.011-427.017.

(11) Approve the appointment of all community transportation coordinators.

(12) Have the authority to apply for and accept funds, grants, gifts, and services from the Federal Government, state government, local governments, or private funding sources. Applications by the commission for local government funds shall be coordinated through the appropriate coordinating board. Funds acquired or accepted under this subsection shall be administered by the commission and shall be used to carry out the commission's responsibilities.

(13) Make an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1 of each year.

(14) Consolidate, for each state agency, the annual budget estimates for transportation disadvantaged services, and the amounts of each agency's actual expenditures, together with the annual budget estimates of each official planning agency, local government, and directly federally funded agency and issue a report.

(15) Prepare a statewide 5-year transportation disadvantaged plan which addresses the transportation problems and needs of the transportation disadvantaged, which is fully coordinated with local transit plans, compatible with local government comprehensive plans, and which ensures that the most cost-effective and efficient method of providing transportation to the disadvantaged is programmed for development.

(16) Review and approve memorandums of agreement for the provision of coordinated transportation services.

(17) Review, monitor, and coordinate all transportation disadvantaged local government, state, and federal fund requests and plans for conformance with commission policy, without delaying the application process. Such funds shall be available only to those entities participating in an approved coordinated transportation system or entities which have received a commission-approved waiver to obtain all or part of their transportation through another means. This process shall identify procedures for coordinating with the state's intergovernmental coordination and review procedures and s. 216.212(1) and any other appropriate grant review process.

(18) Develop an interagency uniform contracting and billing and accounting system that shall be used by all community transportation coordinators and their transportation operators.

(19) Develop and maintain a transportation disadvantaged manual.

(20) Design and develop transportation disadvantaged training programs.

(21) Coordinate all transportation disadvantaged programs with appropriate state, local, and federal agencies and public transit agencies to ensure compatibility with existing transportation systems.

(22) Designate the official planning agency in areas outside of the purview of a metropolitan planning organization.

(23) Develop need-based criteria that must be used by all community transportation coordinators to prioritize the delivery of nonsponsored transportation disadvantaged services that are purchased with Transportation Disadvantaged Trust Fund moneys.

(24) Establish a review procedure to compare the rates proposed by alternate transportation operators with the rates charged by a community transportation coordinator to determine which rate is more cost-effective.

(25) Conduct a cost-comparison study of single-coordinator, multicoordinator, and brokered community transportation coordinator networks to ensure that the most cost-effective and efficient method of providing transportation to the transportation disadvantaged is programmed for development.

(26) Develop a quality assurance and management review program to monitor, based upon approved commission standards, services contracted for by an agency, and those provided by a community transportation operator pursuant to s. 427.0155. Staff of the quality assurance and management review program shall function independently and be directly responsible to the executive director.

(27) Ensure that local community transportation coordinators work cooperatively with local WAGES coalitions established in chapter 414 to provide assistance in the development of innovative transportation services for WAGES participants.

Section 18. Section 427.0135, Florida Statutes, is amended to read:

427.0135 Member departments; duties and responsibilities.—Each member department, in carrying out the policies and procedures of the commission, shall:

(1)(a) Use the coordinated transportation system for provision of services to its clients, unless each department meets the criteria outlined in rule to use an alternative provider.

(b) Subject to the provisions of s. 409.908(18), the Medicaid agency shall purchase transportation services through the community coordinated transportation system unless a more cost-effective method is determined by the agency for Medicaid clients or unless otherwise limited or directed by the General Appropriations Act.

(2) Provide the commission, by September 15 of each year, an accounting of all funds spent as well as how many trips were purchased with agency funds.

(3) Assist communities in developing coordinated transportation systems designed to serve the transportation disadvantaged. *However, a member department may not serve as the community transportation coordinator in any designated service area.*

(4) Assure that its rules, procedures, guidelines, and directives are conducive to the coordination of transportation funds and services for the transportation disadvantaged.

(5) Provide technical assistance, as needed, to community transportation coordinators or transportation operators or participating agencies.

Section 19. Subsection (2) of section 427.015, Florida Statutes, is amended to read:

427.015 Function of the metropolitan planning organization or designated official planning agency in coordinating transportation for the transportation disadvantaged.—

(2) Each metropolitan planning organization or designated official planning agency shall recommend to the commission a single community transportation coordinator. *However, a member department may not serve as the community transportation coordinator in any designated service area.* The coordinator may provide all or a portion of needed transportation services for the transportation disadvantaged but shall be responsible for the provision of those coordinated services. Based on approved commission evaluation criteria, the coordinator shall subcontract or broker those services that are more cost-effectively and efficiently provided by subcontracting or brokering. The performance of the coordinator shall be evaluated based on the commission's approved evaluation criteria by the coordinating board at least annually. A copy of the evaluation shall be submitted to the metropolitan planning organization or the designated official planning agency, and the commission. The recommendation or termination of any community transportation coordinator shall be subject to approval by the commission.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 31, through page 2, line 3, delete those lines and insert: projects; amending s. 20.23, F.S.; authorizing the Florida Department of Transportation to adopt rules for the delegation of authority beyond the assistant secretaries; amending s. 334.187, F.S.; authorizing the Florida Department of Transportation to adopt rules relating to the use of prepaid escrow accounts; amending s. 334.044, F.S.; authorizing the department to purchase promotional items for use in certain public awareness campaigns; authorizing the Florida Department of Transportation to adopt rules relating to approval of aggregate and other material sources; amending s. 337.18, F.S.; authorizing the Florida Department of Transportation to adopt rules related to surety bonds; amending s. 338.155, F.S.; authorizing the Florida Department of Transportation to adopt rules relating to guaranteed toll accounts; amending s. 339.09, F.S.; authorizing the Florida Department of Transportation to adopt rules related to the expenditure of transportation revenues; amending s. 427.013, F.S.; authorizing the Commission for the Transportation Disadvantaged to adopt rules related to developing operational standards; amending s. 427.0135, F.S.; granting authority for rules adopted by the Commission for the Transportation Disadvantaged related to member departments; amending s. 427.015, F.S.; granting authority for rules adopted by the Commission for the Transportation Disadvantaged related to community transportation coordinators; amending s. 335.02, F.S.;

Senator Webster moved the following amendment:

**Amendment 5 (202338)(with title amendment)**—On page 40, line 26 through page 44, line 28, delete those lines and insert:

Section 27. Section 334.035, Florida Statutes, is amended to read:

334.035 Purpose of transportation code.—The purpose of the Florida Transportation Code is to establish the responsibilities of the state, the counties, and the municipalities in the planning and development of the transportation systems serving the people of the state and to assure the development of an integrated, balanced statewide transportation system. *The prevailing principles to be considered in planning and developing these transportation systems are: preserving the existing transportation infrastructure; enhancing Florida's economic competitiveness; and improving travel choices to ensure mobility* ~~which enhances economic development through promotion of international trade and interstate and intrastate commerce~~. This code is necessary for the protection of the public safety and general welfare and for the preservation of all transportation facilities in the state. The chapters in the code shall be considered components of the total code, and the provisions therein, unless expressly limited in scope, shall apply to all chapters.

Section 28. Section 334.046, Florida Statutes, is amended to read:

334.046 Department mission, goals, and objectives.—

*(1) The prevailing principles to be considered in planning and developing an integrated, balanced statewide transportation system are: preserving the existing transportation infrastructure; enhancing Florida's*

*economic competitiveness; and improving travel choices to ensure mobility.*

*(2)*~~(1)~~ The mission of the Department of Transportation shall be to provide a safe~~, interconnected~~ statewide transportation system ~~for Florida's citizens and visitors~~ that ensures the mobility of people and *goods* ~~freight~~, *enhances* ~~while enhancing~~ economic prosperity, *and preserves* ~~and sustaining~~ the quality of our environment *and communities*.

*(3)*~~(2)~~ The department shall document in the Florida Transportation Plan, *in accordance with s. 339.155 and based upon the prevailing principles of preserving the existing transportation infrastructure, enhancing Florida's economic competitiveness, and improving travel choices to ensure mobility,* ~~pursuant to s. 339.155~~ the goals and objectives *that* ~~which~~ provide statewide policy guidance for accomplishing the department's mission.

*(4)*~~(3)~~ At a minimum, the department's goals shall address the following *prevailing principles.*~~:~~

*(a) Preservation.—Protecting the state's transportation infrastructure investment. Preservation includes:*

*1. Ensuring that 80 percent of the pavement on the State Highway System meets department standards;*

*2. Ensuring that 90 percent of department-maintained bridges meet department standards; and*

*3. Ensuring that the department achieves 100 percent of the acceptable maintenance standard on the state highway system.*

*(b) Economic Competitiveness.—Ensuring that the state has a clear understanding of the economic consequences of transportation investments, and how such investments affect the state's economic competitiveness. The department must develop a macroeconomic analysis of the linkages between transportation investment and economic performance, as well as a method to quantifiably measure the economic benefits of the district-work-program investments. Such an analysis must analyze:*

*1. The state's and district's economic performance relative to the competition.*

*2. The business environment as viewed from the perspective of companies evaluating the state as a place in which to do business.*

*3. The state's capacity to sustain long-term growth.*

*(c) Mobility—Ensuring a cost-effective, statewide, interconnected transportation system.*

~~(a) Providing a safe transportation system for residents, visitors, and commerce.~~

~~(b) Preservation of the transportation system.~~

~~(c) Providing an interconnected transportation system to support Florida's economy.~~

~~(d) Providing travel choices to support Florida's communities.~~

Section 29. Section 339.155, Florida Statutes, is amended to read:

339.155 Transportation planning.—

(1) THE FLORIDA TRANSPORTATION PLAN.—The department shall develop and annually update a statewide transportation plan, to be known as the Florida Transportation Plan. The plan shall be designed so as to be easily read and understood by the general public. The purpose of the Florida Transportation Plan is to establish and define the state's long-range transportation goals and objectives to be accomplished over a period of at least 20 years within the context of the State Comprehensive Plan, and any other statutory mandates and authorizations *and based upon the prevailing principles of: preserving the existing transportation infrastructure; enhancing Florida's economic competitiveness; and improving travel choices to ensure mobility*. The Florida Transportation Plan shall consider the needs of the entire state transportation system and examine the use of all modes of transportation to effectively and efficiently meet such needs.

(2) SCOPE OF PLANNING PROCESS.—

~~(a)~~ The department shall carry out a transportation planning process *in conformance with s. 334.046(1) which* ~~that~~ provides for consideration of projects and strategies that will:

*(a)*~~1.~~ Support the economic vitality of the United States, Florida, and the metropolitan areas, especially by enabling global competitiveness, productivity, and efficiency;

*(b)*~~2.~~ Increase the safety and security of the transportation system for motorized and nonmotorized users;

*(c)*~~3.~~ Increase the accessibility and mobility options available to people and for freight;

*(d)*~~4.~~ Protect and enhance the environment, promote energy conservation, and improve quality of life;

*(e)*~~5.~~ Enhance the integration and connectivity of the transportation system, across and between modes throughout Florida, for people and freight;

*(f)*~~6.~~ Promote efficient system management and operation; and

*(g)*~~7.~~ Emphasize the preservation of the existing transportation system.

~~(b) Additionally, the department shall consider:~~

~~1. With respect to nonmetropolitan areas, the concerns of local elected officials representing units of general purpose local government;~~

~~2. The concerns of Indian tribal governments and federal land management agencies that have jurisdiction over land within the boundaries of Florida; and~~

~~3. Coordination of transportation plans, programs, and planning activities with related planning activities being carried out outside of metropolitan planning areas.~~

~~(c) The results of the management systems required pursuant to federal laws and regulations.~~

~~(d) Any federal, state, or local energy use goals, objectives, programs, or requirements.~~

~~(e) Strategies for incorporating bicycle transportation facilities and pedestrian walkways in projects where appropriate throughout the state.~~

~~(f) International border crossings and access to ports, airports, spaceports, intermodal transportation facilities, major freight distribution routes, national parks, recreation and scenic areas, monuments and historic sites, and military installations.~~

~~(g) The transportation needs of nonmetropolitan areas through a process that includes consultation with local elected officials with jurisdiction over transportation.~~

~~(h) Consistency of the plan, to the maximum extent feasible, with strategic regional policy plans, metropolitan planning organization plans, and approved local government comprehensive plans so as to contribute to the management of orderly and coordinated community development.~~

~~(i) Connectivity between metropolitan areas within the state and with metropolitan areas in other states.~~

~~(j) Recreational travel and tourism.~~

~~(k) Any state plan developed pursuant to the Federal Water Pollution Control Act.~~

~~(l) Transportation system management and investment strategies designed to make the most efficient use of existing transportation facilities.~~

~~(m) The total social, economic, energy, and environmental effects of transportation decisions on the community and region.~~

~~(n) Methods to manage traffic congestion and to prevent traffic congestion from developing in areas where it does not yet occur, including methods which reduce motor vehicle travel, particularly single-occupant vehicle travel.~~

~~(o) Methods to expand and enhance transit services and to increase the use of such services.~~

~~(p) The effect of transportation decisions on land use and land development, including the need for consistency between transportation decisionmaking and the provisions of all applicable short-range and long-range land use and development plans.~~

~~(q) Where appropriate, the use of innovative mechanisms for financing projects, including value capture pricing, tolls, and congestion pricing.~~

~~(r) Preservation and management of rights-of-way for construction of future transportation projects, including identification of unused rights-of-way which may be needed for future transportation corridors, and identification of those corridors for which action is most needed to prevent destruction or loss.~~

~~(s) Future, as well as existing, needs of the state transportation system.~~

~~(t) Methods to enhance the efficient movement of commercial motor vehicles.~~

~~(u) The use of life-cycle costs in the design and engineering of bridges, tunnels, or pavement.~~

~~(v) Investment strategies to improve adjoining state and local roads that support rural economic growth and tourism development, federal agency renewable resources management, and multipurpose land management practices, including recreation development.~~

~~(w) The concerns of Indian tribal governments having jurisdiction over lands within the boundaries of the state.~~

~~(x) A seaport or airport master plan, which has been incorporated into an approved local government comprehensive plan, and the linkage of transportation modes described in such plan which are needed to provide for the movement of goods and passengers between the seaport or airport and the other transportation facilities.~~

~~(y) The spaceport master plan approved by the Spaceport Florida Authority.~~

~~(z) The joint use of transportation corridors and major transportation facilities for alternate transportation and community uses.~~

~~(aa) The integration of any proposed system into all other types of transportation facilities in the community.~~

(3) FORMAT, SCHEDULE, AND REVIEW.—The Florida Transportation Plan shall be a unified, concise planning document that clearly defines the state's long-range transportation goals and objectives and documents the department's short-range objectives developed to further such goals and objectives. The plan shall include a glossary that clearly and succinctly defines any and all phrases, words, or terms of art included in the plan, with which the general public may be unfamiliar and shall consist of, at a minimum, the following components:

(a) A long-range component documenting the goals and long-term objectives necessary to implement the results of the department's findings from its examination of the criteria listed in subsection (2) *and s. 334.046(1)*. The long-range component must be developed in cooperation with the metropolitan planning organizations and reconciled, to the maximum extent feasible, with the long-range plans developed by metropolitan planning organizations pursuant to s. 339.175. The plan must also be developed in consultation with affected local officials in nonmetropolitan areas and with any affected Indian tribal governments. The plan must provide an examination of transportation issues likely to arise during at least a 20-year period. The long-range component shall be updated at least once every 5 years, or more often as necessary, to reflect substantive changes to federal or state law.

(b) A short-range component documenting the short-term objectives and strategies necessary to implement the goals and long-term objectives contained in the long-range component. The short-range component must define the relationship between the long-range goals and the short-range objectives, specify those objectives against which the department's achievement of such goals will be measured, and identify transportation strategies necessary to efficiently achieve the goals and objectives in the plan. It must provide a policy framework within which the department's legislative budget request, the strategic information resource management plan, and the work program are developed. The short-range component shall serve as the department's annual agency strategic plan pursuant to s. 186.021. The short-range component shall be developed consistent with the requirements of s. 186.022 and consistent with available and forecasted state and federal funds. In addition to those entities listed in s. 186.022, the short-range component shall also be submitted to the Florida Transportation Commission.

(4) ANNUAL PERFORMANCE REPORT.—The department shall develop an annual performance report evaluating the operation of the department for the preceding fiscal year. The report, which shall meet the requirements of s. 186.022, shall also include a summary of the financial operations of the department and shall annually evaluate how well the adopted work program meets the short-term objectives contained in the short-range component of the Florida Transportation Plan. In addition to the entities listed in s. 186.022, this performance report shall also be submitted to the Florida Transportation Commission and the legislative appropriations and transportation committees.

(5) ADDITIONAL TRANSPORTATION PLANS.—

(a) Upon request by local governmental entities, the department may in its discretion develop and design transportation corridors, arterial and collector streets, vehicular parking areas, and other support facilities which are consistent with the plans of the department for major transportation facilities. The department may render to local governmental entities or their planning agencies such technical assistance and services as are necessary so that local plans and facilities are coordinated with the plans and facilities of the department.

(b) Each regional planning council, as provided for in s. 186.504, or any successor agency thereto, shall develop, as an element of its strategic regional policy plan, transportation goals and policies. *The transportation goals and policies must be prioritized to comply with the prevailing principles provided in subsection (2) and s. 334.046(1).* The transportation goals and policies shall be consistent, to the maximum extent feasible, with the goals and policies of the metropolitan planning organization and the Florida Transportation Plan. The transportation goals and policies of the regional planning council will be advisory only and shall be submitted to the department and any affected metropolitan planning organization for their consideration and comments. Metropolitan planning organization plans and other local transportation plans shall be developed consistent, to the maximum extent feasible, with the regional transportation goals and policies. The regional planning council shall review urbanized area transportation plans and any other planning products stipulated in s. 339.175 and provide the department and respective metropolitan planning organizations with written recommendations which the department and the metropolitan planning organizations shall take under advisement. Further, the regional planning councils shall directly assist local governments which are not part of a metropolitan area transportation planning process in the development of the transportation element of their comprehensive plans as required by s. 163.3177.

(6) PROCEDURES FOR PUBLIC PARTICIPATION IN TRANSPORTATION PLANNING.—

(a) During the development of the long-range component of the Florida Transportation Plan and prior to substantive revisions, the department shall provide citizens, affected public agencies, representatives of transportation agency employees, other affected employee representatives, private providers of transportation, and other known interested parties with an opportunity to comment on the proposed plan or revisions. These opportunities shall include, at a minimum, publishing a notice in the Florida Administrative Weekly and within a newspaper of general circulation within the area of each department district office.

(b) During development of major transportation improvements, such as those increasing the capacity of a facility through the addition of new lanes or providing new access to a limited or controlled access facility or construction of a facility in a new location, the department shall hold one

or more hearings prior to the selection of the facility to be provided; prior to the selection of the site or corridor of the proposed facility; and prior to the selection of and commitment to a specific design proposal for the proposed facility. Such public hearings shall be conducted so as to provide an opportunity for effective participation by interested persons in the process of transportation planning and site and route selection and in the specific location and design of transportation facilities. The various factors involved in the decision or decisions and any alternative proposals shall be clearly presented so that the persons attending the hearing may present their views relating to the decision or decisions which will be made.

(c) Opportunity for design hearings:

1. The department, prior to holding a design hearing, shall duly *notify* ~~notice~~ all affected property owners of record, as recorded in the property appraiser's office, by mail at least 20 days prior to the date set for the hearing. The affected property owners shall be:

a. Those whose property lies in whole or in part within 300 feet on either side of the centerline of the proposed facility.

b. Those *whom* ~~who~~ the department determines will be substantially affected environmentally, economically, socially, or safetywise.

2. For each subsequent hearing, the department shall ~~daily~~ publish notice ~~at least 14 days immediately~~ prior to the hearing date in a newspaper of general circulation for the area affected. *These notices must be published twice, with the first notice appearing at least 15 days, but no later than 30 days, before the hearing.*

3. A copy of the notice of opportunity for the hearing *must* ~~shall~~ be furnished to the United States Department of Transportation and to the appropriate departments of the state government at the time of publication.

4. The opportunity for another hearing shall be afforded in any case when proposed locations or designs are so changed from those presented in the notices specified above or at a hearing as to have a substantially different social, economic, or environmental effect.

5. The opportunity for a hearing shall be afforded in each case in which the department is in doubt as to whether a hearing is required.

Section 30. Subsections (1) through (6) and paragraph (a) of subsection (7) of section 339.175, Florida Statutes, is amended to read:

339.175 Metropolitan planning organization.—It is the intent of the Legislature to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight within and through urbanized areas of this state while minimizing transportation-related fuel consumption and air pollution. To accomplish these objectives, metropolitan planning organizations, referred to in this section as M.P.O.'s, shall develop, in cooperation with the state and public transit operators, transportation plans and programs for metropolitan areas. The plans and programs for each metropolitan area must provide for the development and integrated management and operation of transportation systems and facilities, including pedestrian walkways and bicycle transportation facilities that will function as an intermodal transportation system for the metropolitan area*, based upon the prevailing principles provided in s. 334.046(1).* The process for developing such plans and programs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive, to the degree appropriate, based on the complexity of the transportation problems to be addressed.

(1) DESIGNATION.—

(a)1. An M.P.O. shall be designated for each urbanized area of the state. Such designation shall be accomplished by agreement between the Governor and units of general-purpose local government representing at least 75 percent of the population of the urbanized area; however, the unit of general-purpose local government that represents the central city or cities within the M.P.O. jurisdiction, as defined by the United States Bureau of the Census, must be a party to such agreement.

2. More than one M.P.O. may be designated within an existing metropolitan planning area only if the Governor and the existing M.P.O. determine that the size and complexity of the existing metropolitan planning area makes the designation of more than one M.P.O. for the area appropriate.

(b) Each M.P.O. shall be created and operated under the provisions of this section pursuant to an interlocal agreement entered into pursuant to s. 163.01. The signatories to the interlocal agreement shall be the department and the governmental entities designated by the Governor for membership on the M.P.O. If there is a conflict between this section and s. 163.01, this section prevails.

(c) The jurisdictional boundaries of an M.P.O. shall be determined by agreement between the Governor and the applicable M.P.O. The boundaries must include at least the metropolitan planning area, which is the existing urbanized area and the contiguous area expected to become urbanized within a 20-year forecast period, and may encompass the entire metropolitan statistical area or the consolidated metropolitan statistical area.

(d) In the case of an urbanized area designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act, 42 U.S.C. ss. 7401 et seq., the boundaries of the metropolitan planning area in existence as of the date of enactment of this paragraph shall be retained, except that the boundaries may be adjusted by agreement of the Governor and affected metropolitan planning organizations in the manner described in this section. If more than one M.P.O. has authority within a metropolitan area or an area that is designated as a nonattainment area, each M.P.O. shall consult with other M.P.O.'s designated for such area and with the state in the coordination of plans and programs required by this section.

Each M.P.O. required under this section must be fully operative no later than 6 months following its designation.

(2) VOTING MEMBERSHIP.—

(a) The voting membership of an M.P.O. shall consist of not fewer than 5 or more than 19 apportioned members, the exact number to be determined on an equitable geographic-population ratio basis by the Governor, based on an agreement among the affected units of general-purpose local government as required by federal rules and regulations. The Governor, in accordance with 23 U.S.C. s. 134, may also provide for M.P.O. members who represent municipalities to alternate with representatives from other municipalities within the metropolitan planning area that do not have members on the M.P.O. County commission members shall compose not less than one-third of the M.P.O. membership, except for an M.P.O. with more than 15 members located in a county with a five-member county commission or an M.P.O. with 19 members located in a county with no more than 6 county commissioners, in which case county commission members may compose less than one-third percent of the M.P.O. membership, but all county commissioners must be members. All voting members shall be elected officials of general-purpose governments, except that an M.P.O. may include, as part of its apportioned voting members, a member of a statutorily authorized planning board, an official of an agency that operates or administers a major mode of transportation, or an official of the Spaceport Florida Authority. The county commission shall compose not less than 20 percent of the M.P.O. membership if an official of an agency that operates or administers a major mode of transportation has been appointed to an M.P.O.

(b) In metropolitan areas in which authorities or other agencies have been or may be created by law to perform transportation functions that are not under the jurisdiction of a general purpose local government represented on the M.P.O., they shall be provided voting membership on the M.P.O. In all other M.P.O.'s where transportation authorities or agencies are to be represented by elected officials from general purpose local governments, the M.P.O. shall establish a process by which the collective interests of such authorities or other agencies are expressed and conveyed.

(c) Any other provision of this section to the contrary notwithstanding, a chartered county with over 1 million population may elect to reapportion the membership of an M.P.O. whose jurisdiction is wholly within the county. The charter county may exercise the provisions of this paragraph if:

1. The M.P.O. approves the reapportionment plan by a three-fourths vote of its membership;

2. The M.P.O. and the charter county determine that the reapportionment plan is needed to fulfill specific goals and policies applicable to that metropolitan planning area; and

3. The charter county determines the reapportionment plan otherwise complies with all federal requirements pertaining to M.P.O. membership.

Any charter county that elects to exercise the provisions of this paragraph shall notify the Governor in writing.

(d) Any other provision of this section to the contrary notwithstanding, any county chartered under s. 6(e), Art. VIII of the State Constitution may elect to have its county commission serve as the M.P.O., if the M.P.O. jurisdiction is wholly contained within the county. Any charter county that elects to exercise the provisions of this paragraph shall so notify the Governor in writing. Upon receipt of such notification, the Governor must designate the county commission as the M.P.O. The Governor must appoint four additional voting members to the M.P.O., one of whom must be an elected official representing a municipality within the county, one of whom must be an expressway authority member, one of whom must be a person who does not hold elected public office and who resides in the unincorporated portion of the county, and one of whom must be a school board member.

(3) APPORTIONMENT.—

(a) The Governor shall, with the agreement of the affected units of general-purpose local government as required by federal rules and regulations, apportion the membership on the applicable M.P.O. among the various governmental entities within the area and shall prescribe a method for appointing alternate members who may vote at any M.P.O. meeting that an alternate member attends in place of a regular member. An appointed alternate member must be an elected official serving the same governmental entity or a general-purpose local government with jurisdiction within all or part of the area that the regular member serves. The governmental entity so designated shall appoint the appropriate number of members to the M.P.O. from eligible officials. Representatives of the department shall serve as nonvoting members of the M.P.O. Nonvoting advisers may be appointed by the M.P.O. as deemed necessary. The Governor shall review the composition of the M.P.O. membership in conjunction with the decennial census as prepared by the United States Department of Commerce, Bureau of the Census, and reapportion it as necessary to comply with subsection (2).

(b) Except for members who represent municipalities on the basis of alternating with representatives from other municipalities that do not have members on the M.P.O. as provided in paragraph (2)(a), the members of an M.P.O. shall serve 4-year terms. Members who represent municipalities on the basis of alternating with representatives from other municipalities that do not have members on the M.P.O. as provided in paragraph (2)(a) may serve terms of up to 4 years as further provided in the interlocal agreement described in paragraph (1)(b). The membership of a member who is a public official automatically terminates upon the member's leaving his or her elective or appointive office for any reason, or may be terminated by a majority vote of the total membership of a county or city governing entity represented by the member. A vacancy shall be filled by the original appointing entity. A member may be reappointed for one or more additional 4-year terms.

(c) If a governmental entity fails to fill an assigned appointment to an M.P.O. within 60 days after notification by the Governor of its duty to appoint, that appointment shall be made by the Governor from the eligible representatives of that governmental entity.

(4) AUTHORITY AND RESPONSIBILITY.—The authority and responsibility of an M.P.O. is to manage a continuing, cooperative, and comprehensive transportation planning process that, *based upon the prevailing principles provided in s. 334.046(1),* results in the development of plans and programs which are consistent, to the maximum extent feasible, with the approved local government comprehensive plans of the units of local government the boundaries of which are within the metropolitan area of the M.P.O. An M.P.O. shall be the forum for cooperative decisionmaking by officials of the affected governmental entities in the development of the plans and programs required by subsections (5), (6), (7), and (8).

(5) POWERS, DUTIES, AND RESPONSIBILITIES.—The powers, privileges, and authority of an M.P.O. are those specified in this section or incorporated in an interlocal agreement authorized under s. 163.01. Each M.P.O. shall perform all acts required by federal or state laws or rules, now and subsequently applicable, which are necessary to qualify for federal aid. It is the intent of this section that each M.P.O. shall be involved in the planning and programming of transportation facilities, including, but not limited to, airports, intercity and high-speed rail lines, seaports, and intermodal facilities, to the extent permitted by state or federal law.

(a) Each M.P.O. shall, in cooperation with the department, develop:

1. A long-range transportation plan pursuant to the requirements of subsection (6);

2. An annually updated transportation improvement program pursuant to the requirements of subsection (7); and

3. An annual unified planning work program pursuant to the requirements of subsection (8).

(b) In developing the long-range transportation plan and the transportation improvement program required under paragraph (a), each M.P.O. shall provide for consideration of projects and strategies that will:

1. Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;

2. Increase the safety and security of the transportation system for motorized and nonmotorized users;

3. Increase the accessibility and mobility options available to people and for freight;

4. Protect and enhance the environment, promote energy conservation, and improve quality of life;

5. Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;

6. Promote efficient system management and operation; and

7. Emphasize the preservation of the existing transportation system.

~~(c) Additionally, each M.P.O. shall consider:~~

~~1. The consistency of transportation planning with applicable federal, state, and local energy conservation programs, goals, and objectives;~~

~~2. The likely effect of transportation policy decisions on land use and development and the consistency of transportation plans and programs with all applicable short-term and long-term land use and development plans;~~

~~3. The preservation of rights-of-way for construction of future transportation projects, including the identification of unused rights-of-way that may be needed for future transportation corridors and the identification of corridors for which action is most needed to prevent destruction or loss;~~

~~4. The overall social, economic, energy, and environmental effects of transportation decisions; and~~

~~5. Available methods to expand or enhance transit services and increase the use of such services.~~

~~6. The possible allocation of capital investments to increase security for transit systems.~~

*(c)*~~(d)~~ In order to provide recommendations to the department and local governmental entities regarding transportation plans and programs, each M.P.O. shall:

1. Prepare a congestion management system for the metropolitan area and cooperate with the department in the development of all other transportation management systems required by state or federal law;

2. Assist the department in mapping transportation planning boundaries required by state or federal law;

3. Assist the department in performing its duties relating to access management, functional classification of roads, and data collection;

4. Execute all agreements or certifications necessary to comply with applicable state or federal law;

5. Represent all the jurisdictional areas within the metropolitan area in the formulation of transportation plans and programs required by this section; and

6. Perform all other duties required by state or federal law.

*(d)*~~(e)~~ Each M.P.O. shall appoint a technical advisory committee that includes planners; engineers; representatives of local aviation authorities, port authorities, and public transit authorities or representatives of aviation departments, seaport departments, and public transit departments of municipal or county governments, as applicable; the school superintendent of each county within the jurisdiction of the M.P.O. or the superintendent's designee; and other appropriate representatives of affected local governments. In addition to any other duties assigned to it by the M.P.O. or by state or federal law, the technical advisory committee is responsible for *considering safe access to schools in its review of transportation project priorities, long-range transportation plans, and transportation improvement programs, and shall advise the M.P.O. on such matters. In addition, the technical advisory committee shall coordinate its actions with local school boards and other local programs and organizations within the metropolitan area which participate in school safety activities, such as locally established community traffic safety teams. Local school boards must provide the appropriate M.P.O. with information concerning future school sites and in the coordination of transportation service.* ~~identifying projects contained in the long-range transportation plan or transportation improvement program which deserve to be classified as a school safety concern. Upon receipt of the recommendation from the technical advisory committee that a project should be so classified, the M.P.O. must vote on whether to classify a particular project as a school safety concern. If the M.P.O. votes that a project should be classified as a school safety concern, the local governmental entity responsible for the project must consider at least two alternatives before making a decision about project location or alignment.~~

*(e)*~~(f)~~1. Each M.P.O. shall appoint a citizens' advisory committee, the members of which serve at the pleasure of the M.P.O. The membership on the citizens' advisory committee must reflect a broad cross section of local residents with an interest in the development of an efficient, safe, and cost-effective transportation system. Minorities, the elderly, and the handicapped must be adequately represented.

2. Notwithstanding the provisions of subparagraph 1., an M.P.O. may, with the approval of the department and the applicable federal governmental agency, adopt an alternative program or mechanism to ensure citizen involvement in the transportation planning process.

*(f)*~~(g)~~ The department shall allocate to each M.P.O., for the purpose of accomplishing its transportation planning and programming duties, an appropriate amount of federal transportation planning funds.

*(g)*~~(h)~~ Each M.P.O. may employ personnel or may enter into contracts with local or state agencies, private planning firms, or private engineering firms to accomplish its transportation planning and programming duties required by state or federal law.

*(h) Any group of M.P.O.s which have created a Chairmen's Coordinating Committee as of the effective date of this act, and are located within the same Regional Planning Council district which is comprised of 4 adjacent counties, must continue such committee as provided for in this section. Such M.P.O.s on the committee will be represented by two members, appointed by the M.P.O. chairman, to the committee. Such committee must also include one representative from all M.P.O.s contiguous to such Regional Planning Council district. The committee must at a minimum:*

*1. Coordinate local, state, and regional transportation systems.*

*2. Review the impact of local land use decisions on the region.*

*3. Review all proposed projects in the respective transportation improvement plans which effect more than one of the M.P.O.s represented on the committee.*

*The committee shall have the authority to object, by a majority vote, to any project within the geographic boundaries of the committee and which is included in a M.P.O.'s transportation improvement plan. The committee may also recommend projects, by a majority vote, to be included in a M.P.O.'s transportation improvement plan. If the committee objects to a project, or if an M.P.O. refuses to include a project recommended by the committee, the effected M.P.O.s must initiate a formal conflict resolution process to reach agreement on such projects. Until the conflict is resolved to the satisfaction of the committee, the department must, to the maximum extent feasible, withhold 10 percent of the state funds from the disputed project of the effected M.P.O.s.*

(6) LONG-RANGE TRANSPORTATION PLAN.—Each M.P.O. must develop a long-range transportation plan that addresses at least a 20-year planning horizon. The plan must include both long-range and short-range strategies and must comply with all other state and federal requirements. *The prevailing principles to be considered in the long-range transportation plan are: preserving the existing transportation infrastructure; enhancing Florida's economic competitiveness; and improving travel choices to ensure mobility.* The long-range transportation plan must be consistent, to the maximum extent feasible, with future land use elements and the goals, objectives, and policies of the approved local government comprehensive plans of the units of local government located within the jurisdiction of the M.P.O. The approved long-range transportation plan must be considered by local governments in the development of the transportation elements in local government comprehensive plans and any amendments thereto. The long-range transportation plan must, at a minimum:

(a) Identify transportation facilities, including, but not limited to, major roadways, airports, seaports, spaceports, commuter rail systems, transit systems, and intermodal or multimodal terminals that will function as an integrated metropolitan transportation system. The long-range transportation plan must give emphasis to those transportation facilities that serve national, statewide, or regional functions, and must consider the goals and objectives identified in the Florida Transportation Plan as provided in s. 339.155. If a project is located within the boundaries of more than one M.P.O., the M.P.O.'s must coordinate plans regarding the project in the long-range transportation plan.

(b) Include a financial plan that demonstrates how the plan can be implemented, indicating resources from public and private sources which are reasonably expected to be available to carry out the plan, and recommends any additional financing strategies for needed projects and programs. The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted long-range transportation plan if reasonable additional resources beyond those identified in the financial plan were available. For the purpose of developing the long-range transportation plan, the M.P.O. and the department shall cooperatively develop estimates of funds that will be available to support the plan implementation. Innovative financing techniques may be used to fund needed projects and programs. Such techniques may include the assessment of tolls, the use of value capture financing, or the use of value pricing.

(c) Assess capital investment and other measures necessary to:

1. Ensure the preservation of the existing metropolitan transportation system including requirements for the operation, resurfacing, restoration, and rehabilitation of major roadways and requirements for the operation, maintenance, modernization, and rehabilitation of public transportation facilities; and

2. Make the most efficient use of existing transportation facilities to relieve vehicular congestion and maximize the mobility of people and goods.

(d) Indicate, as appropriate, proposed transportation enhancement activities, including, but not limited to, pedestrian and bicycle facilities, scenic easements, landscaping, historic preservation, mitigation of water pollution due to highway runoff, and control of outdoor advertising.

(e) In addition to the requirements of paragraphs (a)-(d), in metropolitan areas that are classified as nonattainment areas for ozone or carbon monoxide, the M.P.O. must coordinate the development of the long-range transportation plan with the State Implementation Plan developed pursuant to the requirements of the federal Clean Air Act.

In the development of its long-range transportation plan, each M.P.O. must provide the public, affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties with a reasonable opportunity to comment on the long-range transportation plan. The long-range transportation plan must be approved by the M.P.O.

(7) TRANSPORTATION IMPROVEMENT PROGRAM.—Each M.P.O. shall, in cooperation with the state and affected public transportation operators, develop a transportation improvement program for the area within the jurisdiction of the M.P.O. In the development of the transportation improvement program, each M.P.O. must provide the public, affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties with a reasonable opportunity to comment on the proposed transportation improvement program.

(a) Each M.P.O. is responsible for developing, annually, a list of project priorities and a transportation improvement program. *The prevailing principles to be considered by each M.P.O. when developing a list of project priorities and a transportation improvement program are: preserving the existing transportation infrastructure; enhancing Florida's economic competitiveness; and improving travel choices to ensure mobility.* The transportation improvement program will be used to initiate federally aided transportation facilities and improvements as well as other transportation facilities and improvements including transit, rail, aviation, spaceport, and port facilities to be funded from the State Transportation Trust Fund within its metropolitan area in accordance with existing and subsequent federal and state laws and rules and regulations related thereto. The transportation improvement program shall be consistent, to the maximum extent feasible, with the approved local government comprehensive plans of the units of local government whose boundaries are within the metropolitan area of the M.P.O.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 2 through page 3, line 10, delete those lines and insert: tentative work program; amending ss. 334.035, 334.046, F.S.; providing prevailing principles for planning and developing transportation systems; amending s. 339.155, F.S.; clarifying the public participation process in transportation planning; conforming provisions to federal requirements; providing prevailing principles; deleting certain planning factors; amending s. 339.175, F.S.; providing duties of the metropolitan planning Technical Advisory Committee; providing for a coordinating committee in certain M.P.O.s; providing prevailing principles for planning and developing transportation systems for metropolitan planning organizations; deleting certain planning factors; amending s. 341.051, F.S.;

Senator Sullivan moved the following amendment to **Amendment 5** which was adopted:

**Amendment 5A (113260)**—On page 23, line 30 through page 24, line 29, delete those lines and insert:

*(h) Any group of M.P.O.'s which has created a chair's coordinating committee as of the effective date of this act and is located within the same Department of Transportation District which is comprised of four adjacent M.P.O.'s must continue such committee as provided for in this section. Such committee must also include one representative from each M.P.O. contiguous to the geographic boundaries of the original committee. The committee must, at a minimum:*

*1. Coordinate transportation projects deemed to be regionally significant by the committee.*

*2. Review the impact of regionally significant land use decisions on the region.*

*3. Review all proposed regionally significant transportation projects in the respective transportation improvement programs which affect more than one of the M.P.O.'s represented on the committee.*

*4. Institute a conflict resolution process to address any conflict that may arise in the planning and programming of such regionally significant projects.*

**Amendment 5** as amended was adopted.

Senators Grant, Bronson, Silver, Sullivan, Kirkpatrick, Mitchell, Sebesta, Dawson, Holzendorf and Diaz de la Portilla offered the following amendment which was moved by Senator Grant:

**Amendment 6 (711004)(with title amendment)**—On page 49, following line 31, insert:

Section 33. Subsection (2) of section 479.15, Florida Statutes, is amended, present subsections (3) through (6) of that section are renumbered subsections (5) through (8), respectively, new subsections (3) and (4) are added to that section, and present subsection (6) is amended, to read:

479.15 Harmony of regulations.—

(2) A municipality, county, local zoning authority, or other local governmental entity may not remove, or cause to be removed, any lawfully erected sign along any portion of the interstate or federal-aid primary highway system, *or any other highway or road,* without first paying just compensation for such removal. A local governmental entity may not cause in any way the alteration of any lawfully erected sign located along any portion of the interstate or federal-aid primary highway system, *or any other highway or road,* without payment of just compensation ~~if such alteration constitutes a taking under state law~~. The municipality, county, local zoning authority, or other local government entity promulgating requirements for such alteration must be responsible for payment of just compensation to the sign owner ~~if such alteration constitutes a taking under state law~~. This subsection applies only to a lawfully erected sign the subject matter of which relates to premises other than the premises on which it is located or to merchandise, services, activities, or entertainment not sold, produced, manufactured, or furnished on the premises on which the sign is located. *For purposes of this subsection, the term "federal-aid primary highway system" means the federal-aid primary system in existence on June 1, 1991, and any highway which was not on such system but which is now on the national highway system.* ~~This subsection shall not be interpreted as explicit or implicit legislative recognition that alterations do or do not constitute a taking under state law.~~

*(3) Effective upon this act becoming a law, the Office of Program Policy Analysis and Governmental Accountability, in consultation with the Legislative Committee on Intergovernmental Relations, shall conduct a study to determine the economic impact on local governments of providing just compensation or requiring the removal or alteration of a lawfully erected sign as provided in this act. The office shall examine all relevant information regarding the provision of just compensation including, but not limited to, the experience of the state and any of its agencies in removing lawfully erected signs and providing just compensation. The office shall present a report of its findings and recommendations to the President of the Senate, the Speaker of the House of Representatives, Minority Leaders of the Senate and House of Representatives, and the chairs of the House of Representatives and Senate Transportation Committees, the House of Representatives Community Affairs Committee and the Senate Comprehensive Planning, Local and Military Affairs Committee by July 1, 2001.*

*(4) Nothing contained herein shall affect or impair the provisions of any agreement in existence on July 1, 2001, executed by a municipality, county, local zoning authority, or other local governmental entity and the owner of a lawfully erected sign or signs.*

*(8)*~~(6)~~ The provisions of subsections ~~(3), (4), and~~ (5), *(6), and (7)* of this section shall not apply within the jurisdiction of any municipality which is engaged in any litigation concerning its sign ordinance on April 23, 1999, nor shall such provisions apply to any municipality whose boundaries are identical to the county within which said municipality is located.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 16, following the semicolon (;) insert: amending s. 479.15, F.S.; revising guidelines on local government removal of signs along highways and roads; requiring a study by the Office of Program Policy Analysis and Government Accountability;

Senator Laurent moved the following amendment to **Amendment 6**:

**Amendment 6A (045438)**—On page 3, lines 14 and 15, delete those lines and insert:

*(8)*~~(6)~~ The provisions ~~of subsections (3), (4), and (5)~~ of this section shall not apply within the

On motion by Senator Webster, further consideration of **CS for CS for SB 1368** with pending **Amendment 6** and **Amendment 6A** was deferred.

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**CS for SB 780**—A bill to be entitled An act relating to the operation of vehicles and vessels; amending s. 213.053, F.S.; authorizing the exchange of certain information between the Department of Revenue and the Department of Highway Safety and Motor Vehicles; amending s. 234.02, F.S.; updating the current allowable exception to the use of a school bus; amending s. 316.193, F.S.; revising penalties for subsequent convictions of driving under the influence; amending s. 316.1936, F.S.; defining the term "road"; revising provisions relating to the possession of open containers of alcoholic beverages in vehicles; providing penalties; amending s. 316.212, F.S.; providing that a person under the age of 14 may not operate a golf cart on public roads; amending s. 316.2125, F.S.; providing restrictions on the operation of golf carts in retirement communities; amending s. 316.613, F.S.; authorizing the expenditure of certain funds for safety and public awareness campaigns; amending s. 318.1451, F.S.; eliminating a reference to traffic law and substance abuse education courses; amending s. 319.17, F.S.; providing for the use of electronic records; amending s. 319.24; revising record-retention requirements; amending s. 320.031, F.S.; providing for the deposit of certain fees into the Highway Safety Operating Trust Fund; amending s. 320.04; providing for the deposit of certain funds into the Highway Safety Operating Trust Fund; amending s. 320.05, F.S.; providing for the use of electronic records; amending s. 320.0605, F.S.; providing for the issuance of a temporary receipt for electronic registration renewal via the Internet; amending s. 320.08058, F.S.; revising provisions relating to the United States Marine Corp License Plate; amending s. 320.833, F.S.; providing for the electronic retention of records; amending s. 320.865, F.S.; providing for the electronic retention of certain records; amending s. 322.051, F.S.; providing conditions for the issuance of identification cards; amending s. 322.08, F.S.; providing for proof of identity for the issuance of driver's licenses; amending s. 328.15, F.S.; revising records-retention requirements; amending s. 328.40, F.S.; providing for electronic retention of records; providing an effective date.

—was read the second time by title.

Senator Grant moved the following amendment:

**Amendment 1 (533356)(with title amendment)**—On page 23, between lines 9 and 10, insert:

Section 22. Effective July 1, 2000, subsection (8) of section 316.614, Florida Statutes, is amended to read:

316.614 Safety belt usage.—

(8) Any person who violates the provisions of this section commits a nonmoving violation, punishable as provided in chapter 318. *A law enforcement officer may not search or inspect a motor vehicle, its contents, the driver, or a passenger solely because of a violation of this section.* ~~However, except for violations of s. 316.613, enforcement of this section by state or local law enforcement agencies must be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation of another section of this chapter, chapter 320, or chapter 322.~~

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 20, following the semicolon (;) insert: amending s. 316.614, F.S.; providing restrictions on authority to search a motor vehicle, its contents, the driver, or a passenger based on a safety belt violation; deleting a provision that requires enforcement of the act only as a secondary action;

## POINT OF ORDER

Senator Webster raised a point of order that pursuant to rule 7.1 **Amendment 1** contained language of a bill not reported favorably by a Senate committee and was therefore out of order.

The President referred the point of order and the amendment to Senator McKay, Chairman of the Committee on Rules and Calendar.

Senator King moved the following amendment which was adopted:

**Amendment 2 (312762)**—On page 10, line 28, after the period (.) insert: *Notwithstanding the prohibition contained in this section, vehicles designed, maintained, and used primarily for the transportation of persons for compensation and motor homes are exempt.*

On motion by Senator Webster, further consideration of **CS for SB 780** with pending point of order and **Amendment 1** was deferred.

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

**CS for CS for SB 1368**—A bill to be entitled An act relating to the Department of Transportation; amending s. 20.23, F.S.; providing for a change in administrative duties; providing for an additional district office; providing additional responsibilities of the Transportation Commission; amending s. 206.8745, F.S.; providing for a refund of tax paid on undyed diesel fuel consumed by the engine of a qualified motor coach during idle time for certain purposes; defining "motor coach"; providing restrictions on refunds; providing for proper documentation; granting the Department of Revenue authority to adopt rules; amending s. 311.07, F.S.; expanding the use of certain seaport funds; amending ss. 316.302, 316.516, 316.545, F.S.; updating cross-references to the current federal safety regulations; deleting references to weight and safety officers; amending s. 316.515, F.S.; deleting a reference to an automobile transporter height limit; repealing s. 316.610(3), F.S., relating to commercial motor vehicle inspections; amending s. 330.30, F.S.; removing the requirement for joint submission of applications for airport site approval and for an airport license; amending s. 332.004, F.S.; expanding the definition of the term "airport or aviation development project" to include off-site airport noise mitigation projects; amending s. 334.044, F.S.; authorizing the department to purchase promotional items for use in certain public awareness campaigns; amending s. 335.02, F.S.; providing a maximum-lane policy; amending ss. 335.141, 341.302, F.S.; repealing the department's authority to regulate train operating speeds; amending ss. 336.41, 336.44, 255.20, 337.14, F.S.; providing that any contractor prequalified by the State of Florida is presumed qualified to bid on projects in excess of $250,000 for county and expressway authority projects; amending s. 336.025, F.S.; expanding the authorized uses of the local option fuel tax; amending s. 337.025, F.S.; authorizing highway maintenance projects to be included in the innovative highway program; amending s. 337.11, F.S.; authorizing the department to combine the right-of-way phase of certain projects into a single contract; amending s. 337.14, F.S.; extending the period of validity of contractor prequalification; amending s. 337.175, F.S.; providing for retainage flexibility; amending s. 338.161, F.S.; authorizing the department to promote the use of toll facilities; amending s. 338.165, F.S.; providing an exemption for high-occupancy toll lanes; amending s. 339.12, F.S.; increasing the current cap on the local government advance reimbursement program; amending s. 339.135, F.S.; deleting an obsolete requirement for identification of advanced right-of-way acquisition projects in the tentative work program; amending s. 339.155, F.S.; clarifying the public participation process in transportation planning; conforming provisions to federal requirements; amending s. 339.175, F.S.; providing duties of the Metropolitan Planning Technical Advisory Committee; providing for a coordinating committee in certain metropolitan planning organizations; amending s. 341.051, F.S.; deleting an obsolete provision for public transit capital projects; amending s. 343.56, F.S.; authorizing the use of certain federal funds to pay principal and interest on bonds; amending s. 373.4137, F.S.; providing a technical correction; providing an effective date.

—which was previously considered and amended this day. Pending **Amendment 6A** by Senator Laurent was withdrawn.

Senator Laurent moved the following amendment to **Amendment 6** which was adopted:

**Amendment 6B (682266)**—On page 3, lines 14 and 15, delete those lines and insert:

*(8)*~~(6)~~ The provisions of subsections (3), (4), ~~and~~ (5), *(6), and (7)* of this section shall not apply within the

**Amendment 6** as amended was adopted.

Pursuant to Rule 4.19, **CS for CS for SB 1368** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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On motion by Senator Lee, consideration of **CS for SB 218** was deferred.

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On motion by Senator Lee—

**CS for SB 1956**—A bill to be entitled An act relating to viatical settlements; amending s. 626.9911, F.S.; redefining the terms "viatical settlement contract," "viatical settlement provider," "viator," "related provider trust," and "viatical settlement purchaser"; defining the terms "viaticated policy," "related form," "special purpose entity," and "financing entity"; amending s. 626.9912, F.S.; requiring additional information for license applications; amending s. 626.9921, F.S.; providing for additional forms; amending s. 626.9922, F.S.; revising recordkeeping time requirements; defining the term "home office"; providing that records be made available; creating s. 626.99236, F.S.; providing for disclosure to viatical settlement purchasers; providing for rescission of agreements; amending s. 626.9924, F.S.; providing for notice of viaticated policies; creating s. 626.99245, F.S.; providing for the regulation of interstate conflicts; amending s. 626.9925, F.S.; providing additional rulemaking authority; amending s. 626.99275, F.S.; providing criminal penalties; creating s. 626.99278, F.S.; requiring the adoption of an anti-fraud plan; creating s. 626.99285, F.S.; providing for the applicability of the Insurance Code; creating s. 626.99287, F.S.; providing for the contestability of viaticated policies; creating 626.99295, F.S.; providing for a grace period for unlicensed viatical settlement providers; providing an effective date.

—was read the second time by title.

Senator Lee moved the following amendments which were adopted:

**Amendment 1 (205506)**—On page 6, line 25, after "*funds*" insert: *or credit enhancement*

**Amendment 2 (681830)(with title amendment)**—On page 11, line 22; on page 18, line 27; and on page 19, lines 1 and 3, after "*provider*" insert: *or viatical settlement broker*

And the title is amended as follows:

On page 2, line 2, after "providers" insert: and viatical settlement brokers

**Amendment 3 (801490)**—On page 11, delete line 27 and insert: Statutes, is amended, and subsections (7), (8), and (9) are added to

**Amendment 4 (871842)(with title amendment)**—On page 12, between lines 24 and 25, insert:

*(9) If the provider transfers ownership or changes the beneficiary of the insurance policy, the provider must communicate the initial change in ownership or beneficiary to the insured within 20 days after the change.*

And the title is amended as follows:

On page 1, line 20, after the semicolon (;) insert: requiring notice of transfer of ownership or change in beneficiary within a specified period of time;

**Amendment 5 (475146)**—On page 15, line 25, after "*provider*" insert: *and viatical settlement broker*

**Amendment 6 (485872)**—On page 15, lines 27-28; and on page 16, lines 3 and 4, 7 and 8, and 11 and 12, delete "*viatical settlement provider's*"

**Amendment 7 (615222)(with title amendment)**—On page 19, between lines 7 and 8, insert:

Section 14. Subsection (1) of section 626.9915, Florida Statutes, is amended to read:

626.9915 Effect of suspension or revocation of viatical settlement provider license; duration of suspension; reinstatement.—

(1) When its license is suspended or revoked, the provider must proceed, immediately following the effective date of the suspension or revocation, to conclude the affairs it is transacting under its license. The provider may not solicit, negotiate, advertise, or effectuate new contracts. The department retains jurisdiction over the provider until all contracts have been fulfilled or canceled or have expired. *A provider whose license is suspended or revoked may continue to maintain and service viaticated policies subject to the approval of the department.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 2, after the semicolon (;) insert: amending s. 626.9915, F.S.; allowing a provider whose license is suspended or revoked to continue to maintain and service viaticated policies if the department approves;

**Amendment 8 (803358)(with title amendment)**—On page 19, between lines 7 and 8, insert:

Section 14. *Effective July 1, 2000, the sum of $250,000 is appropriated for the 2000-2001 fiscal year from the Insurance Commissioner's Regulatory Trust Fund to the Department of Insurance to fund four positions for the purpose of carrying out the provisions of this act.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 2, after the semicolon (;) insert: providing an appropriation;

**Amendment 9 (381852)**—On page 17, line 22, delete "*could not be disclosed*" and insert: *was not known to the insured*

Pursuant to Rule 4.19, **CS for SB 1956** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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On motion by Senator Lee, by two-thirds vote **HB 2301** was withdrawn from the Committees on Regulated Industries and Fiscal Resource.

On motion by Senator Lee—

**HB 2301**—A bill to be entitled An act relating to telecommunications; amending s. 364.025, F.S.; extending certain time periods for provision of universal service obligations; providing an effective date.

—a companion measure, was substituted for **CS for SB 218** and read the second time by title.

Pursuant to Rule 4.19, **HB 2301** was placed on the calendar of Bills on Third Reading.

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On motion by Senator Cowin—

**CS for CS for SB 730**—A bill to be entitled An act relating to child welfare; amending s. 20.19, F.S.; modifying the certification program for family safety and preservation employees and agents; amending s. 39.201, F.S.; providing for the release of abuse hotlines recordings to specified persons and entities; providing circumstances in which an officer or employee of the judicial branch is not required to report child abuse, abandonment, or neglect; revising procedures; amending s. 39.202, F.S.; specifying persons to whom the names of persons reporting child abuse, abandonment, or neglect may be released; amending s. 39.205, F.S.; exempting judges from prosecution for failure to report; amending s. 39.301, F.S.; clarifying provisions relating to initiation of protective investigations and criminal investigations; clarifying that the age of parents shall be factored into risk assessments; providing circumstances under which an injunction must be sought; providing procedures; changing certain time requirements; amending s. 39.303, F.S.;

revising provisions governing the composition, qualifications, training, and duties of child protection teams; prescribing circumstances under which face-to-face medical evaluations are necessary and procedures for determining whether they are necessary; providing for collaboration by agency quality assurance programs; amending s. 39.304, F.S.; revising provisions governing the use of photographs taken by child protection teams; amending s. 39.3065, F.S.; directing that the sheriff of Seminole County be awarded a grant; amending s. 39.401, F.S.; requiring documentation to the court when a child is not placed with a relative or other specified adult; amending s. 39.402, F.S.; providing for initial assessment after a shelter hearing; amending s. 39.504, F.S.; adding a condition for issuing an injunction; amending s. 39.507, F.S.; revising provisions governing the authority of courts to provide for the child as adjudicated; amending s. 383.011, F.S.; providing for a campaign to help certain pregnant teenagers; amending s. 383.402, F.S.; deleting reference to the Kayla McKean Child Protection Act; amending s. 383.402, F.S.; revising duties of local child abuse death review committees and of district child abuse death review coordinators; amending s. 409.1671, F.S.; prescribing times when summaries of investigations must be provided to the community-based agency; amending s. 409.175, F.S.; requiring a plan for streamlining foster parent training; requiring that certain information be provided to licensed foster homes; creating s. 409.1753, F.S.; specifying duties of the Department of Children and Family Services or its agents regarding foster care; providing for dependency court pilot programs; requiring a report; prohibiting position-lapse adjustments for certain positions; establishing a work group within the Department of Children and Family Services; providing duties; requiring reports; repealing s. 1, ch. 99-168, Laws of Florida, which provides the short title for the Kayla McKean Child Protection Act; providing an effective date.

—was read the second time by title.

Senator Cowin moved the following amendments which were adopted:

**Amendment 1 (584416)**—On page 3, line 12 through page 4, line 2, delete those lines and redesignate subsequent sections.

**Amendment 2 (495380)**—On page 6, line 21, after the period (.) insert: *Nothing in this paragraph shall prohibit the use of the recordings by hotline staff for quality assurance and training.*

**Amendment 3 (930368)**—On page 7, line 17, after "child" insert: *, where jurisdiction applies,*

**Amendment 4 (410048)(with title amendment)**—On page 11, line 5 through page 12, line 25, delete those lines and insert:

(12)

(c) The department, in consultation with the

And the title is amended as follows:

On page 1, lines 20-22, delete those lines and insert: factored into risk assessments; changing certain

**Amendment 5 (475010)**—On page 17, delete line 18 and insert:

*(f)*~~(e)~~ Reported medical~~, physical, or emotional~~

**Amendment 6 (844860)**—On page 19, line 15 through page 20, line 1, delete those lines and insert:

*(b) The child protective investigator, with supervisory approval, has determined, after conducting a child safety assessment, that there are not indications of injuries as described in paragraphs (2)(a)-(h) as reported; or*

*(c) The child protection team board-certified pediatrician, as authorized in subsection (3), determines that a medical evaluation is not required.*

**Amendment 7 (100850)(with title amendment)**—On page 21, line 23 through page 31, line 20, delete those lines and insert:

Section 8. Paragraph (i) of subsection (3), subsection (7), and paragraph (g) of subsection (18) of section 383.402, Florida Statutes, are amended to read:

383.402 Child abuse death review; State Child Abuse Death Review Committee; local child abuse death review committees.—

(3) The State Child Abuse Death Review Committee shall:

(i) Educate the public regarding the *provisions of chapter 99-168, Laws of Florida* ~~Kayla McKean Child Protection Act~~, the incidence and causes of child abuse death, and ways by which such deaths may be prevented.

(7) Each local child abuse death review committee shall:

~~(a) Review all deaths resulting from child abuse which are reported to the Office of Vital Statistics.~~

*(a)*~~(b)~~ Assist the state committee in collecting data on deaths that are the result of child abuse, in accordance with the protocol established by the state committee.

*(b)*~~(c)~~ Submit written reports at the direction of the state committee. The reports must include nonidentifying information on individual cases and the steps taken by the local committee and private and public agencies to implement necessary changes and improve the coordination of services and reviews.

*(c)*~~(d)~~ Submit all records requested by the state committee at the conclusion of its review of a death resulting from child abuse.

*(d)*~~(e)~~ Abide by the standards and protocols developed by the state committee.

*(e)*~~(f)~~ On a case-by-case basis, request that the state committee review the data of a particular case.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, lines 2-15, delete those lines and insert: taken by child protection team; amending s.

**Amendment 8 (105456)(with title amendment)**—On page 33, line 1 through page 37, line 7, delete those lines and insert:

Section 15. Paragraph (b) of subsection (3) of section 409.145, Florida Statutes, is amended to read:

409.145 Care of children.—

(3)

(b) The services of the foster care program shall continue for those individuals 18 to 21 years of age only for the period of time the individual is continuously enrolled in high school, in a program leading to a high school equivalency diploma as defined in s. 229.814, or in a full-time career education program. Services shall be terminated upon completion of or withdrawal or permanent expulsion from high school, the program leading to a high school equivalency diploma, or the full-time career education program. *In addition, the department may, based upon the availability of funds, provide assistance to those individuals who leave foster care when they attain 18 years of age and subsequently request assistance prior to their 21st birthday. The following are examples of assistance that may be provided: referrals for employment, services for educational or vocational development, and housing assistance.*

Section 16. Subsection (3) of section 409.1671, Florida Statutes, is amended to read:

409.1671 Foster care and related services; privatization.—

(3)(a) In order to help ensure a seamless child protection system, the department shall ensure that contracts entered into with community-based agencies pursuant to this section include provisions for a case-transfer process to determine the date that the community-based agency will initiate the appropriate services for a child and family. ~~This case-transfer process must clearly identify the closure of the protective investigation and the initiation of service provision.~~ At the point of case transfer, *as well as at the conclusion of an investigation,* the department must provide a complete summary of the findings of the investigation to the community-based agency.

(b) The contracts must also ensure that each community-based agency shall furnish regular status reports of its cases to the department as specified in the contract. A provider may not discontinue services without prior written notification to the department. After discontinuing services to a child or a child and family, the community-based agency must provide a written case summary, including its assessment of the child and family, to the department.

(c) The annual contract between the department and community-based agencies must include provisions that specify the procedures to be used by the parties to resolve differences in interpreting the contract or to resolve disputes as to the adequacy of the parties' compliance with their respective obligations under the contract.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, lines 20 and 21, delete those lines, and insert: child abuse death review coordinators; amending s. 409.145, F.S.; authorizing the Department of Children and Family Services to provide additional assistance for certain individuals leaving foster care; amending s. 409.1671, F.S.; deleting requirement that the case-transfer process for contracts with community-based agencies for provision of foster care and related services identify closure of protective investigations; prescribing times when

**Amendment 9 (682624)(with title amendment)**—On page 37, between lines 7 and 8, insert:

Section 7. Paragraph (f) of subsection (8) of section 39.402, Florida Statutes, is amended to read:

39.402 Placement in a shelter.—

(8)

(f) At the shelter hearing, the department shall inform the court of:

1. Any *identified* current or previous case plans negotiated in any district with the parents or caregivers under this chapter and problems associated with compliance;

2. Any adjudication of the parents or caregivers of delinquency;

3. Any past or current injunction for protection from domestic violence; and

4. All of the child's places of residence during the prior 12 months.

And the title is amended as follows:

On page 3, between lines 4 and 5, after the semicolon (;) insert: amending s.39.402; clarifying that the court must be informed of identified case plans at shelter hearings;

**Amendment 10 (491602)**—On page 7, lines 23-25, delete those lines

Pursuant to Rule 4.19, **CS for CS for SB 730** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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On motion by Senator Lee—

**CS for SB 220**—A bill to be entitled An act relating to the Florida Engineers Management Corporation; amending s. 471.038, F.S., the "Florida Engineers Management Corporation Act"; providing purpose; providing for per diem and travel expenses for the board of directors and staff of the management corporation; providing for termination of initial appointments and for new appointments to the board of directors; revising powers and duties of the management corporation; providing additional requirements of the contract between the management corporation and the Department of Business and Professional Regulation; changing the submission date of the management corporation's annual status report; specifying that meetings of the board of directors are open to the public as provided by law; providing for maintenance of board records by the management corporation; providing rulemaking authority to the board to ensure the security of examinations; eliminating a provision requiring the Office of Program Policy Analysis and Government Accountability to conduct performance audits at the request of the Joint Legislative Auditing Committee; abrogating the repeal of s. 471.038, F.S., the "Florida Engineers Management Corporation Act," notwithstanding s. 5, ch. 97-312, Laws of Florida; amending s. 471.005, F.S.; providing definitions; revising cross-references; amending s. 471.0035, F.S.; conforming cross-references; amending ss. 471.011, 471.015, 471.017, 471.021, 471.023, 471.033, F.S.; transferring to the management corporation duties of the department relating to issuance, reissuance, and renewal of licenses, certifications, and temporary registrations and to purchase of the licensure examination; revising cross-references; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 220** was placed on the calendar of Bills on Third Reading.

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On motion by Senator Lee, by two-thirds vote **CS for HB 955** was withdrawn from the Committees on Criminal Justice and Fiscal Policy.

On motion by Senator Lee—

**CS for HB 955**—A bill to be entitled An act relating to weapons of mass destruction; creating s. 790.166, F.S.; prohibiting the unlawful manufacture, possession, sale, delivery, display, use, or attempted or threatened use of a weapon of mass destruction; prohibiting unlawful conspiring to use such weapon; prohibiting making such weapon readily accessible to others; providing a first degree felony penalty for violation; providing that violation which results in death is a capital felony; prohibiting the unlawful manufacture, possession, sale, delivery, display, use, or attempted or threatened use of a hoax weapon of mass destruction; prohibiting unlawful conspiring to use such weapon; prohibiting making such weapon readily accessible to others; providing a second degree felony penalty for violation; providing definitions for purposes of the act; providing nonapplicability of the act; amending s. 921.0022, F.S.; providing for ranking of violations on the offense severity ranking chart; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1840** and read the second time by title.

Senator Lee moved the following amendment:

**Amendment 1 (382374)(with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Section 790.065, Florida Statutes, is amended to read:

790.065 Sale and delivery of firearms.—

(1) A licensed importer, licensed manufacturer, or licensed dealer may not sell or deliver from her or his inventory at her or his licensed premises any firearm to another person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, until she or he has:

(a) Obtained a completed form from the potential buyer or transferee, which form shall have been promulgated by the Department of Law Enforcement and provided by the licensed importer, licensed manufacturer, or licensed dealer, which shall include the name, date of birth, gender, race, and social security number or other identification number of such potential buyer or transferee and has inspected proper identification including an identification containing a photograph of the potential buyer or transferee.

(b) Collected a fee from the potential buyer for processing the criminal history check of the potential buyer. The fee shall be established by the Department of Law Enforcement and may not exceed $8 per transaction. The Department of Law Enforcement may reduce, or suspend collection of, the fee to reflect payment received from the Federal Government applied to the cost of maintaining the criminal history check system established by this section as a means of facilitating or supplementing the National Instant Criminal Background Check System. The Department of Law Enforcement shall, by rule, establish procedures for the fees to be transmitted by the licensee to the Department of Law Enforcement. All such fees shall be deposited into the Department of Law Enforcement Operating Trust Fund, but shall be segregated from all other funds deposited into such trust fund and must be accounted for separately. Such segregated funds must not be used for any purpose other

than the operation of the criminal history checks required by this section. The Department of Law Enforcement, each year prior to February 1, shall make a full accounting of all receipts and expenditures of such funds to the President of the Senate, the Speaker of the House of Representatives, the majority and minority leaders of each house of the Legislature, and the chairs of the appropriations committees of each house of the Legislature. In the event that the cumulative amount of funds collected exceeds the cumulative amount of expenditures by more than $2.5 million, excess funds may be used for the purpose of purchasing soft body armor for law enforcement officers.

(c) Requested, by means of a toll-free telephone call, the Department of Law Enforcement to conduct a check of the information as reported and reflected in the Florida Crime Information Center and National Crime Information Center systems as of the date of the request.

(d) Received a unique approval number for that inquiry from the Department of Law Enforcement, and recorded the date and such number on the consent form.

However, if the person purchasing, or receiving delivery of, the firearm is a holder of a valid concealed weapons or firearms license pursuant to the provisions of s. 790.06 or holds an active certification from the Criminal Justice Standards and Training Commission as a "law enforcement officer," a "correctional officer," or a "correctional probation officer" as defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9), the provisions of this subsection do not apply.

(2) Upon receipt of a request for a criminal history record check, the Department of Law Enforcement shall, during the licensee's call or by return call, forthwith:

(a) Review criminal history records to determine if the potential buyer or transferee:

1. Has been convicted of a felony and is prohibited from receipt or possession of a firearm pursuant to s. 790.23;

2. Has been convicted of a misdemeanor crime of domestic violence, and therefore is prohibited from purchasing a firearm; or

3. Has had adjudication of guilt withheld or imposition of sentence suspended on any felony or misdemeanor crime of domestic violence unless 3 years have elapsed since probation or any other conditions set by the court have been fulfilled or expunction has occurred.

(b) Inform the licensee making the inquiry either that records demonstrate that the buyer or transferee is so prohibited and provide the licensee a nonapproval number, or provide the licensee with a unique approval number.

(c)1. Review any records available to it to determine whether the potential buyer or transferee has been indicted or has had an information filed against her or him for an offense that is a felony under either state or federal law, or, as mandated by federal law, has had an injunction for protection against domestic violence entered against the potential buyer or transferee under s. 741.30, has had an injunction for protection against repeat violence entered against the potential buyer or transferee under s. 784.046, or has been arrested for a dangerous crime as specified in s. 907.041(4)(a) or for any of the following enumerated offenses:

a. Criminal anarchy under ss. 876.01 and 876.02.

b. Extortion under s. 836.05.

c. Explosives violations under s. 552.22(1) and (2).

d. Controlled substances violations under chapter 893.

e. Resisting an officer with violence under s. 843.01.

f. Weapons and firearms violations under this chapter.

g. Treason under s. 876.32.

h. Assisting self-murder under s. 782.08.

i. Sabotage under s. 876.38.

j. Stalking or aggravated stalking under s. 784.048.

If the review indicates any such indictment, information, or arrest, the department shall provide to the licensee a conditional nonapproval number.

2. Within 24 working hours, the department shall determine the disposition of the indictment, information, or arrest and inform the licensee as to whether the potential buyer is prohibited from receiving or possessing a firearm. For purposes of this paragraph, "working hours" means the hours from 8 a.m. to 5 p.m. Monday through Friday, excluding legal holidays.

3. The office of the clerk of court, at no charge to the department, shall respond to any department request for data on the disposition of the indictment, information, or arrest as soon as possible, but in no event later than 8 working hours.

4. The department shall determine as quickly as possible within the allotted time period whether the potential buyer is prohibited from receiving or possessing a firearm.

5. If the potential buyer is not so prohibited, or if the department cannot determine the disposition information within the allotted time period, the department shall provide the licensee with a conditional approval number.

6. If the buyer is so prohibited, the conditional nonapproval number shall become a nonapproval number.

7. The department shall continue its attempts to obtain the disposition information and may retain a record of all approval numbers granted without sufficient disposition information. If the department later obtains disposition information which indicates:

a. That the potential buyer is not prohibited from owning a firearm, it shall treat the record of the transaction in accordance with this section; or

b. That the potential buyer is prohibited from owning a firearm, it shall immediately revoke the conditional approval number and notify local law enforcement.

8. During the time that disposition of the indictment, information, or arrest is pending and until the department is notified by the potential buyer that there has been a final disposition of the indictment, information, or arrest, the conditional nonapproval number shall remain in effect.

(3) In the event of scheduled computer downtime, electronic failure, or similar emergency beyond the control of the Department of Law Enforcement, the department shall immediately notify the licensee of the reason for, and estimated length of, such delay. After such notification, the department shall forthwith, and in no event later than the end of the next business day of the licensee, either inform the requesting licensee if its records demonstrate that the buyer or transferee is prohibited from receipt or possession of a firearm pursuant to Florida and Federal law or provide the licensee with a unique approval number. Unless notified by the end of said next business day that the buyer or transferee is so prohibited, and without regard to whether she or he has received a unique approval number, the licensee may complete the sale or transfer and shall not be deemed in violation of this section with respect to such sale or transfer.

(4)(a) Any records containing any of the information set forth in subsection (1) pertaining to a buyer or transferee who is not found to be prohibited from receipt or transfer of a firearm by reason of Florida and federal law which records are created by the Department of Law Enforcement to conduct the criminal history record check shall be confidential and exempt from the provisions of s. 119.07(1) and may not be disclosed by the Department of Law Enforcement or any officer or employee thereof to any person or to another agency. The Department of Law Enforcement shall destroy any such records forthwith after it communicates the approval and nonapproval numbers to the licensee and, in any event, such records shall be destroyed within 48 hours after the day of the response to the licensee's request.

(b) Notwithstanding the provisions of this subsection, the Department of Law Enforcement may maintain records of NCIC transactions

to the extent required by the Federal Government, and may maintain a log of dates of requests for criminal history records checks, unique approval and nonapproval numbers, license identification numbers, and transaction numbers corresponding to such dates for a period of not longer than 2 years or as otherwise required by law.

(c) Nothing in this chapter shall be construed to allow the State of Florida to maintain records containing the names of purchasers or transferees who receive unique approval numbers or to maintain records of firearm transactions.

(d) Any officer or employee, or former officer or employee of the Department of Law Enforcement or law enforcement agency who intentionally and maliciously violates the provisions of this subsection commits a felony of the third degree punishable as provided in s. 775.082 or s. 775.083.

(5) The Department of Law Enforcement shall establish a toll-free telephone number which shall be operational 7 days a week with the exception of Christmas Day and New Year's Day, for a period of 12 hours a day beginning at 9 a.m. and ending at 9 p.m., for purposes of responding to inquiries as described in this section from licensed manufacturers, licensed importers, and licensed dealers. The Department of Law Enforcement shall employ and train such personnel as are necessary expeditiously to administer the provisions of this section.

(6) Any person who is denied the right to receive or purchase a firearm as a result of the procedures established by this section may request a criminal history records review and correction in accordance with the rules promulgated by the Department of Law Enforcement.

(7) It shall be unlawful for any licensed dealer, licensed manufacturer, or licensed importer willfully and intentionally to request criminal history record information under false pretenses, or willfully and intentionally to disseminate criminal history record information to any person other than the subject of such information. Any person convicted of a violation of this subsection commits a felony of the third degree punishable as provided in s. 775.082 or s. 775.083.

(8) The Department of Law Enforcement shall promulgate regulations to ensure the identity, confidentiality, and security of all records and data provided pursuant to this section.

(9) This section shall become effective at such time as the Department of Law Enforcement has notified all licensed importers, licensed manufacturers, and licensed dealers in writing that the procedures and toll-free number described in this section are operational. This section shall remain in effect only during such times as the procedures described in subsection (2) remain operational.

(10) A licensed importer, licensed manufacturer, or licensed dealer is not required to comply with the requirements of this section in the event of:

(a) Unavailability of telephone service at the licensed premises due to the failure of the entity which provides telephone service in the state, region, or other geographical area in which the licensee is located to provide telephone service to the premises of the licensee due to the location of said premises; or the interruption of telephone service by reason of hurricane, tornado, flood, natural disaster, or other act of God, war, invasion, insurrection, riot, or other bona fide emergency, or other reason beyond the control of the licensee; or

(b) Failure of the Department of Law Enforcement to comply with the requirements of subsections (2) and (3).

(11) Compliance with the provisions of this chapter shall be a complete defense to any claim or cause of action under the laws of any state for liability for damages arising from the importation or manufacture, or the subsequent sale or transfer to any person who has been convicted in any court of a crime punishable by imprisonment for a term exceeding 1 year, of any firearm which has been shipped or transported in interstate or foreign commerce. The Department of Law Enforcement, its agents and employees shall not be liable for any claim or cause of action under the laws of any state for liability for damages arising from its actions in lawful compliance with this section.

(12)(a) Any potential buyer or transferee who willfully and knowingly provides false information or false or fraudulent identification commits a felony of the third degree punishable as provided in s. 775.082 or s. 775.083.

(b) Any licensed importer, licensed manufacturer, or licensed dealer who violates the provisions of subsection (1) commits a felony of the third degree punishable as provided in s. 775.082 or s. 775.083.

(c) Any employee or agency of a licensed importer, licensed manufacturer, or licensed dealer who violates the provisions of subsection (1) commits a felony of the third degree punishable as provided in s. 775.082 or s. 775.083.

(d) Any person who knowingly acquires a firearm through purchase or transfer intended for the use of a person who is prohibited by state or federal law from possessing or receiving a firearm commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

(13) This section does not apply to employees of sheriff's offices, municipal police departments, correctional facilities or agencies, or other criminal justice or governmental agencies when the purchases or transfers are made on behalf of an employing agency for official law enforcement purposes.

(14) This section is repealed effective June 1, *2002* ~~2000~~.

Section 2. Section 790.166, Florida Statutes, is created to read:

*790.166 Manufacture, possession, sale, delivery, display, use, or attempted or threatened use of a weapon of mass destruction or hoax weapon of mass destruction prohibited; definitions; penalties.—*

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

*(a) "Weapon of mass destruction" means:*

*1. Any device or object that is designed or intended to cause death or serious bodily injury through the release, dissemination, or impact of toxic or poisonous chemicals, or their precursors;*

*2. Any device or object involving a disease organism; or*

*3. Any device or object that is designed to release radiation or radioactivity at a level dangerous to human life.*

*(b) "Hoax weapon of mass destruction" means any device or object that by its design, construction, content, or characteristics appears to be or to contain, or is represented to be, constitute, or contain, a weapon of mass destruction as defined in this section, but which is, in fact, an inoperative facsimile, imitation, counterfeit, or representation of a weapon of mass destruction which does not meet the definition of a weapon of mass destruction or which does not actually contain or constitute a weapon, biological agent, toxin, vector, or delivery system prohibited by this section.*

*(c) "Biological agent" means any microorganism, virus, infectious substance, or biological product that may be engineered through biotechnology, or any naturally occurring or bioengineered component of any such microorganism, virus, infectious substance, or biological product, capable of causing:*

*1. Death, disease, or other biological malfunction in a human, an animal, a plant, or other living organism;*

*2. Deterioration of food, water, equipment, supplies, or material of any kind; or*

*3. Deleterious alteration of the environment.*

*(d) "Toxin" means the toxic material of plants, animals, microorganisms, viruses, fungi, or infectious substances, or a recombinant molecule, whatever its origin or method of reproduction, including:*

*1. Any poisonous substance or biological product that may be engineered through biotechnology produced by a living organism; or*

*2. Any poisonous isomer or biological product, homolog, or derivative of such substance.*

*(e) "Delivery system" means:*

*1. Any apparatus, equipment, device, or means of delivery specifically designed to deliver or disseminate a biological agent, toxin, or vector; or*

*2. Any vector.*

*(f) "Vector" means a living organism or molecule, including a recombinant molecule or biological product that may be engineered through biotechnology, capable of carrying a biological agent or toxin to a host.*

*(2) A person who, without lawful authority, manufactures, possesses, sells, delivers, displays, uses, threatens to use, attempts to use, or conspires to use, or who makes readily accessible to others a weapon of mass destruction, including any biological agent, toxin, vector, or delivery system as those terms are defined in this section, commits a felony of the first degree, punishable by imprisonment for a term of years not exceeding life or as provided in s. 775.082, s. 775.083, or s. 775.084, and if death results, commits a capital felony, punishable as provided in s. 775.082.*

*(3) Any person who, without lawful authority, manufactures, possesses, sells, delivers, displays, uses, threatens to use, attempts to use, or conspires to use, or who makes readily accessible to others, a hoax weapon of mass destruction with the intent to deceive or otherwise mislead another person into believing that the hoax weapon of mass destruction will cause terror, bodily harm, or property damage commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

*(4) This section does not apply to any member or employee of the Armed Forces of the United States, a federal or state governmental agency, or a private entity who is otherwise engaged in lawful activity within the scope of his or her employment, if such person is otherwise duly authorized or licensed to manufacture, possess, sell, deliver, display, or otherwise engage in activity relative to this section and if such person is in compliance with applicable federal and state law.*

Section 3. Paragraphs (g) and (i) of subsection (3) of section 921.0022, Florida Statutes, are amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

| Florida Statute | Felony Degree | Description |
|---|---|---|
| | | (g) LEVEL 7 |
| 316.193(3)(c)2. | 3rd | DUI resulting in serious bodily injury. |
| 327.35(3)(c)2. | 3rd | Vessel BUI resulting in serious bodily injury. |
| 402.319(2) | 2nd | Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death. |
| 409.920(2) | 3rd | Medicaid provider fraud. |
| 494.0018(2) | 1st | Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded $50,000 and there were five or more victims. |
| 782.051(3) | 2nd | Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony. |
| 782.07(1) | 2nd | Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter). |
| 782.071 | 2nd | Killing of human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide). |
| 782.072 | 2nd | Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide). |
| 784.045(1)(a)1. | 2nd | Aggravated battery; intentionally causing great bodily harm or disfigurement. |
| 784.045(1)(a)2. | 2nd | Aggravated battery; using deadly weapon. |
| 784.045(1)(b) | 2nd | Aggravated battery; perpetrator aware victim pregnant. |
| 784.048(4) | 3rd | Aggravated stalking; violation of injunction or court order. |
| 784.07(2)(d) | 1st | Aggravated battery on law enforcement officer. |
| 784.08(2)(a) | 1st | Aggravated battery on a person 65 years of age or older. |
| 784.081(1) | 1st | Aggravated battery on specified official or employee. |
| 784.082(1) | 1st | Aggravated battery by detained person on visitor or other detainee. |
| 784.083(1) | 1st | Aggravated battery on code inspector. |
| 790.07(4) | 1st | Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2). |
| 790.16(1) | 1st | Discharge of a machine gun under specified circumstances. |
| *790.166(3)* | *2nd* | *Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.* |
| 796.03 | 2nd | Procuring any person under 16 years for prostitution. |
| 800.04(5)(c)1. | 2nd | Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years. |
| 800.04(5)(c)2. | 2nd | Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older. |
| 806.01(2) | 2nd | Maliciously damage structure by fire or explosive. |
| 810.02(3)(a) | 2nd | Burglary of occupied dwelling; unarmed; no assault or battery. |
| 810.02(3)(b) | 2nd | Burglary of unoccupied dwelling; unarmed; no assault or battery. |
| 810.02(3)(d) | 2nd | Burglary of occupied conveyance; unarmed; no assault or battery. |
| 812.014(2)(a) | 1st | Property stolen, valued at $100,000 or more; property stolen while causing other property damage; 1st degree grand theft. |
| 812.019(2) | 1st | Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property. |
| 812.131(2)(a) | 2nd | Robbery by sudden snatching. |
| 812.133(2)(b) | 1st | Carjacking; no firearm, deadly weapon, or other weapon. |
| 825.102(3)(b) | 2nd | Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement. |
| 825.1025(2) | 2nd | Lewd or lascivious battery upon an elderly person or disabled adult. |
| 825.103(2)(b) | 2nd | Exploiting an elderly person or disabled adult and property is valued at $20,000 or more, but less than $100,000. |
| 827.03(3)(b) | 2nd | Neglect of a child causing great bodily harm, disability, or disfigurement. |
| 827.04(3) | 3rd | Impregnation of a child under 16 years of age by person 21 years of age or older. |
| 837.05(2) | 3rd | Giving false information about alleged capital felony to a law enforcement officer. |

| Florida Statute | Felony Degree | Description |
|---|---|---|
| 872.06 | 2nd | Abuse of a dead human body. |
| 893.13(1)(c)1. | 1st | Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b)) within 1,000 feet of a child care facility or school. |
| 893.13(1)(e) | 1st | Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b), within 1,000 feet of property used for religious services or a specified business site. |
| 893.13(4)(a) | 1st | Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b) drugs). |
| 893.135(1)(a)1. | 1st | Trafficking in cannabis, more than 50 lbs., less than 2,000 lbs. |
| 893.135 (1)(b)1.a. | 1st | Trafficking in cocaine, more than 28 grams, less than 200 grams. |
| 893.135 (1)(c)1.a. | 1st | Trafficking in illegal drugs, more than 4 grams, less than 14 grams. |
| 893.135 (1)(d)1. | 1st | Trafficking in phencyclidine, more than 28 grams, less than 200 grams. |
| 893.135(1)(e)1. | 1st | Trafficking in methaqualone, more than 200 grams, less than 5 kilograms. |
| 893.135(1)(f)1. | 1st | Trafficking in amphetamine, more than 14 grams, less than 28 grams. |
| 893.135 (1)(g)1.a. | 1st | Trafficking in flunitrazepam, 4 grams or more, less than 14 grams. |
| | | (i) LEVEL 9 |
| 316.193 (3)(c)3.b. | 1st | DUI manslaughter; failing to render aid or give information. |
| 782.04(1) | 1st | Attempt, conspire, or solicit to commit premeditated murder. |
| 782.04(3) | 1st,PBL | Accomplice to murder in connection with arson, sexual battery, robbery, burglary, and other specified felonies. |
| 782.051(1) | 1st | Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3). |
| 782.07(2) | 1st | Aggravated manslaughter of an elderly person or disabled adult. |
| 787.01(1)(a)1. | 1st,PBL | Kidnapping; hold for ransom or reward or as a shield or hostage. |
| 787.01(1)(a)2. | 1st,PBL | Kidnapping with intent to commit or facilitate commission of any felony. |
| 787.01(1)(a)4. | 1st,PBL | Kidnapping with intent to interfere with performance of any governmental or political function. |
| 787.02(3)(a) | 1st | False imprisonment; child under age 13; perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition. |
| 790.161 | 1st | Attempted capital destructive device offense. |
| *790.166(2)* | *1st,PBL* | *Possessing, selling, using, or attempting to use a weapon of mass destruction.* |
| 794.011(2) | 1st | Attempted sexual battery; victim less than 12 years of age. |
| 794.011(2) | Life | Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years. |
| 794.011(4) | 1st | Sexual battery; victim 12 years or older, certain circumstances. |
| 794.011(8)(b) | 1st | Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority. |
| 800.04(5)(b) | 1st | Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older. |
| 812.13(2)(a) | 1st,PBL | Robbery with firearm or other deadly weapon. |
| 812.133(2)(a) | 1st,PBL | Carjacking; firearm or other deadly weapon. |
| 827.03(2) | 1st | Aggravated child abuse. |
| 847.0145(1) | 1st | Selling, or otherwise transferring custody or control, of a minor. |
| 847.0145(2) | 1st | Purchasing, or otherwise obtaining custody or control, of a minor. |
| 859.01 | 1st | Poisoning food, drink, medicine, or water with intent to kill or injure another person. |
| 893.135 | 1st | Attempted capital trafficking offense. |
| 893.135(1)(a)3. | 1st | Trafficking in cannabis, more than 10,000 lbs. |
| 893.135 (1)(b)1.c. | 1st | Trafficking in cocaine, more than 400 grams, less than 150 kilograms. |
| 893.135 (1)(c)1.c. | 1st | Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms. |
| 893.135 (1)(d)1.c. | 1st | Trafficking in phencyclidine, more than 400 grams. |
| 893.135 (1)(e)1.c. | 1st | Trafficking in methaqualone, more than 25 kilograms. |
| 893.135 (1)(f)1.c. | 1st | Trafficking in amphetamine, more than 200 grams. |

Section 4. This act shall take effect July 1, 2000.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to weapons and firearms; amending s. 790.065, F.S., relating to the sale and delivery of weapons and firearms; extending the date of repeal of such section; creating s. 790.166, F.S.; prohibiting the unlawful manufacture, possession, sale, delivery, display, use, or attempted or threatened use of a weapon of mass destruction; prohibiting unlawful conspiring to use such weapon; prohibiting making such weapon readily accessible to others; providing a first degree felony penalty for violation; providing that violation which results in death is a capital felony; prohibiting the unlawful manufacture, possession, sale, delivery, display, use, or attempted or threatened use of a hoax weapon of mass destruction; prohibiting unlawful conspiring to use such weapon; prohibiting making such weapon readily accessible to others; providing a second degree felony penalty for violation; providing definitions for purposes of the act; providing nonapplicability of the act; amending s. 921.0022, F.S., relating to the Criminal Punishment Code; providing for ranking the offense of possessing, selling, or using a weapon of mass destruction and the offense of possessing, selling, or using a hoax weapon of mass destruction; providing an effective date.

On motion by Senator Lee, further consideration of **CS for HB 955** with pending **Amendment 1** was deferred.

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On motion by Senator Cowin—

**CS for SB 2088**—A bill to be entitled An act relating to school readiness; amending s. 411.01, F.S.; revising the composition of the Florida Partnership for School Readiness; revising the membership of school readiness coalitions; providing sovereign immunity for school readiness coalitions; changing terminology relating to payment; amending s. 230.2305, F.S.; revising funding for prekindergarten early intervention programs; authorizing the Governor at the request of the Florida Partnership for School Readiness to request approval of the Administration Commission for transfer of funds by the Department of Children and Family Services and the Department of Education to the partnership for school readiness programs; providing a qualification for school readiness coalitions to receive an increase in such funds; providing that specified positions be co-located within the office of the Florida Partnership for School Readiness not later than July 1, 2000; requiring an interagency agreement to guide implementation; providing for discontinuation of state funding for the State Coordinating Council for School Readiness Services; repealing s. 402.3015(6)(a), F.S., which requires competitive bids for community child care coordinating agencies; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2088** was placed on the calendar of Bills on Third Reading.

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On motion by Senator Cowin—

**SB 1282**—A bill to be entitled An act relating to trust funds; creating the School Readiness Trust Fund within the Executive Office of the Governor; providing for sources of moneys and purposes; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was read the second time by title.

The Committee on Education recommended the following amendment which was moved by Senator Cowin and adopted:

**Amendment 1 (655478)**—On page 1, lines 14-16, delete those lines and insert: *fund to be used for the purposes of the school readiness program set forth in section 411.01, Florida Statutes.*

Pursuant to Rule 4.19, **SB 1282** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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On motion by Senator Cowin—

**SB 2250**—A bill to be entitled An act relating to public records; amending s. 228.093, F.S.; providing access to student records by school readiness coalitions and the Florida Partnership for School Readiness; amending s. 402.3015, F.S.; providing an exemption from public-records requirements for records of children in subsidized child-care programs; providing exceptions; providing for future review and repeal; providing a finding of public necessity; creating s. 411.011, F.S.; providing an exemption from public-records requirements for records of children in school readiness programs; providing exceptions; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was read the second time by title.

Senator Cowin moved the following amendment which was adopted:

**Amendment 1 (062610)**—On page 7, line 30, after the period (.) insert: *School readiness records may be released to the United States Secretary of Education, the United States Secretary of Health and Human Services, and the Comptroller General of the United States for the purpose of federal audits; to individuals or organizations conducting studies for institutions to develop, validate, or administer assessments or improve instruction; to accrediting organizations in order to carry out their accrediting functions; to appropriate parties in connection with an emergency if the information is necessary to protect the health or safety of the student or other individuals; to the Auditor General in connection with his or her official functions; to a court of competent jurisdiction in compliance with an order of that court pursuant to a lawfully issued subpoena; and to parties to an interagency agreement among school readiness coalitions, local governmental agencies, providers of school readiness programs, state agencies, and the Florida Partnership for School Readiness for the purpose of implementing the school readiness program. Agencies, organizations, or individuals that receive school readiness records in order to carry out their official functions must protect the data in a manner that will not permit the personal identification of students and their parents by persons other than those authorized to receive the records.*

Pursuant to Rule 4.19, **SB 2250** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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

**CS for HB 955**—A bill to be entitled An act relating to weapons of mass destruction; creating s. 790.166, F.S.; prohibiting the unlawful manufacture, possession, sale, delivery, display, use, or attempted or threatened use of a weapon of mass destruction; prohibiting unlawful conspiring to use such weapon; prohibiting making such weapon readily accessible to others; providing a first degree felony penalty for violation; providing that violation which results in death is a capital felony; prohibiting the unlawful manufacture, possession, sale, delivery, display, use, or attempted or threatened use of a hoax weapon of mass destruction; prohibiting unlawful conspiring to use such weapon; prohibiting making such weapon readily accessible to others; providing a second degree felony penalty for violation; providing definitions for purposes of the act; providing nonapplicability of the act; amending s. 921.0022, F.S.; providing for ranking of violations on the offense severity ranking chart; providing an effective date.

—which was previously considered this day, with pending **Amendment 1** by Senator Lee.

Senator Lee moved the following amendment to **Amendment 1** which was adopted:

**Amendment 1A (591962)(with title amendment)**—On page 21, delete line 12 and insert:

Section 4. This act shall take effect upon becoming a law, except that sections 2 and 3 of this act shall take effect July 1, 2000.

And the title is amended as follows:

On page 22, delete line 18 and insert: mass destruction; providing effective dates.

Senators Rossin and Meek offered the following amendment to **Amendment 1** which was moved by Senator Rossin:

**Amendment 1B (414504)(with title amendment)**—On page 21, between lines 11 and 12, insert:

Section 4. Section 790.174, Florida Statutes, is amended to read:

790.174 Safe storage of firearms required.—

(1) A person who stores or leaves, on a premise under his or her control, a loaded firearm, as defined in s. 790.001, and who knows or reasonably should know that a minor is likely to gain access to the firearm without the lawful permission of the minor's parent or the person having charge of the minor, or without the supervision required by law, shall keep the firearm in a securely locked box or container or in a location which a reasonable person would believe to be secure *and* ~~or~~ shall secure it with a trigger lock, except when the person is carrying the firearm on his or her body or within such close proximity thereto that he or she can retrieve and use it as easily and quickly as if he or she carried it on his or her body.

(2) It is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, if a person violates subsection (1) by failing to store or leave a firearm in the required manner and as a result thereof

a minor gains access to the firearm, without the lawful permission of the minor's parent or the person having charge of the minor, and possesses or exhibits it, without the supervision required by law:

(a) In a public place; or

(b) In a rude, careless, angry, or threatening manner in violation of s. 790.10.

This subsection does not apply if the minor obtains the firearm as a result of an unlawful entry by any person.

(3) As used in this act, the term "minor" means any person under the age of 16.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 22, line 18, after the semicolon (;) insert: amending s. 790.174, F.S.; requiring that a loaded firearm to which a minor is likely to gain access be stored in a secure location and secured with a trigger lock;

## POINTS OF ORDER

Senator Grant raised a point of order that pursuant to rule 7.1 **Amendment 1B** contained language of a bill not reported favorably by a Senate committee and was therefore out of order.

Senator Lee raised a point of order that pursuant to Rule 7.1 **Amendment 1B** was not germane to the bill.

The President referred the points of order and the amendment to Senator McKay, Chairman of the Committee on Rules and Calendar.

On motion by Senator Lee, further consideration of **CS for HB 955** with pending points of order and **Amendment 1** and **Amendment 1B** was deferred.

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Consideration of **CS for SB 50**, **CS for CS for SB 2432**, **CS for SB 2434**, **CS for CS for SB 1694** and **SB 1696** was deferred.

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On motion by Senator Casas—

**HB 1999**—A bill to be entitled An act relating to trust funds; creating s. 20.3315, F.S.; creating a Florida Forever Program Trust Fund within the Florida Fish and Wildlife Conservation Commission; providing purposes; providing for a source of moneys; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **HB 1999** was placed on the calendar of Bills on Third Reading.

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On motion by Senator Casas—

**HB 2001**—A bill to be entitled An act relating to trust funds; creating s. 380.5115, F.S.; creating a Florida Forever Program Trust Fund within the Department of Community Affairs; providing purposes; providing for a source of moneys; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **HB 2001** was placed on the calendar of Bills on Third Reading.

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On motion by Senator Casas—

**HB 2153**—A bill to be entitled An act relating to trust funds; creating s. 570.207, F.S.; creating a Conservation and Recreation Lands Program Trust Fund within the Department of Agriculture and Consumer Services; providing for purpose and sources of funds; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **HB 2153** was placed on the calendar of Bills on Third Reading.

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On motion by Senator Casas—

**HB 2155**—A bill to be entitled An act relating to trust funds; creating s. 372.127, F.S.; creating a Conservation and Recreation Lands Program Trust Fund within the Fish and Wildlife Conservation Commission; providing for purpose and sources of funds; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **HB 2155** was placed on the calendar of Bills on Third Reading.

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Consideration of **CS for SB 1680** was deferred.

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### SPECIAL GUEST

Senator Scott introduced Congressman E. Clay Shaw, Jr. who was present in the chamber.

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On motion by Senator Latvala—

**CS for SB 1682**—A bill to be entitled An act relating to governmental reorganization; creating s. 17.001, F.S.; establishing the Office of the Chief Financial Officer; creating s. 20.121, F.S.; creating the Department of Financial Services; providing for the Office of the Commissioner of Insurance; providing for the Office of the Commissioner of Financial Institutions; providing for the Office of the Commissioner of Securities and Finance; providing for the office of the Commissioner of the Treasury; establishing the manner of appointment; providing qualifications; transferring the Department of Banking and Finance to the Department of Financial Services; transferring the Department of Insurance to the Department of Financial Services; repealing s. 20.12, F.S.; abolishing the Department of Banking and Finance; repealing s. 20.13, F.S.; abolishing the Department of Insurance; amending s. 20.165, F.S.; transferring the Division of Certified Public Accounting and the Board of Accountancy, of the Department of Business and Professional Regulation to the Department of Financial Services; amending s. 350.061, F.S.; authorizing the Public Counsel to represent the public before the Insurance Rating Commission; amending s. 350.0611, F.S.; authorizing the Public Counsel to represent the public before the Insurance Rating Commission; amending s. 350.0613, F.S.; requiring the Insurance Rating Commission to furnish pleadings to the Public Counsel; creating s. 624.055, F.S.; defining the term "commission"; redesignating parts of ch. 624, F.S.; creating sections 624.37-624.377, F.S.; creating the Insurance Rating Commission; establishing its powers and duties; providing for the appointment and confirmation of commissioners; establishing terms of office and qualifications of commissioners; establishing standards of conduct; regulating ex parte communications; amending ss. 175.141, 185.12, 408.701, 651.018, F.S.; conforming references; amending s. 624.19, F.S.; authorizing the use of forms; amending s. 624.307, F.S.; removing requirement to employ actuaries; amending s. 624.321, F.S.; conforming provisions to include the Insurance Rating Commission; amending s. 624.322, F.S.; conforming provisions to include the Insurance Rating Commission; amending s. 626.9541, F.S.; conforming provisions to substitute the Insurance Rating Commission for the Department of Insurance; amending s. 626.9926, F.S.; conforming provisions to include the Insurance Rating Commission; amending s. 627.031, F.S.; substituting the Insurance Rating Commission for the Department of Insurance; amending s. 627.0612, F.S.; conforming provisions to include the commission; amending s. 627.0613, F.S.; removing authority of the consumer advocate; amending s. 627.062, F.S.; conforming provisions to

substitute the commission for the department; repealing arbitration provisions; amending s. 627.0628, F.S.; modifying membership on the Florida Commission on Hurricane Loss Projection Methodology; amending ss. 627.0645, 627.06501, 627.0651, 627.0653, 627.06535, 627.0654, 627.066, 627.072, 627.091, 627.0915, 627.0916, 627.096, 627.101, 627.111, 627.141, 627.151, 627.192, 627.211, 627.212, 627.215, 627.221, 627.231, F.S.; substituting the Insurance Rating Commission for the department; amending ss. 627.241, 627.281, 627.291, 627.301, 627.311, 627.314, 627.331, 627.351, 627.3512, 627.357, 627.361, 627.410, 627.411, 627.6475, 627.6498, 627.6675, 627.6699, 627.6745, 627.678, 627.682, 627.727, 627.780, 627.782, 627.7825, 627.783, 627.793, 627.9407, 636.017, 641.19, 641.31, 641.3903, 641.3922, 641.402, 641.42, 642.027, 648.33, F.S.; conforming provisions to changes made by this act; authorizing the Governor to make appointments to the Insurance Rating Commission; transferring regulatory authority related to rates to the Insurance Rating Commission; directing the Division of Statutory Revision to prepare draft legislation; establishing the Financial Services Transition Task Force; providing membership; establishing duties; creating ss. 442.0011 and 633.801-633.825, F.S.; transferring to the Division of State Fire Marshal, Department of Insurance, all powers, duties, and responsibilities of chapter 442, excluding ss. 442.101 through 442.127, which relate to firefighter employers, firefighter employees, and firefighter places of employment, from the Division of Safety, Department of Labor and Employment Security; providing an effective date.

—was read the second time by title.

Senator Latvala moved the following amendments which were adopted:

**Amendment 1 (090324)(with title amendment)**—On page 18, line 30 through page 21, line 6, delete those lines and insert: *section and in ss. 624.372 and 624.377.*

*624.375 Enforcement and interpretation.—Any violation of s. 624.372, s. 624.373, or s. 624.377 by a*

And the title is amended as follows:

On page 2, delete line 12 and insert: conduct;

**Amendment 2 (411150)**—On page 13, line 26, delete "624.374,"

**Amendment 3 (502190)**—On page 14, line 3, delete "*approve rates for insurance*" and insert: *regulate rates for insurance and such related matters*

**Amendment 4 (700656)**—On page 14, lines 15-21, delete those lines and insert:

*(2) The commission shall consist of three full-time, salaried commissioners appointed by the Governor and confirmed by the Senate.*

*(3) For the initial appointment of the commission, one member must be appointed for a 2-year term, one member must be appointed for a 3-year term, and one member must be appointed for a 4-year term. All subsequent appointments of commissioners*

**Amendment 5 (515376)**—On page 14, line 31, delete "*two*" and insert: *one*

**Amendment 6 (665114)(with title amendment)**—On page 24, lines 4-20, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 2, lines 16 and 17, delete those lines and insert: amending s. 624.321, F.S.;

**Amendment 7 (111270)(with title amendment)**—On page 219, between lines 15 and 16, insert:

Section 92. *Effective January 1, 2001, the sum of $334,125 is appropriated for the 2000-2001 fiscal year from the Insurance Commissioner's Regulatory Trust Fund to the Insurance Rating Commission for the purposes of carrying out the provisions of this act.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 26, after the semicolon (;) insert: providing an appropriation;

Senator Geller moved the following amendment which failed:

**Amendment 8 (094100)(with title amendment)**—On page 10, line 29 through page 219, line 15, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 1, line 26 through page 3, line 26, delete those lines and insert: Services; directing the Division of Statutory

Pursuant to Rule 4.19, **CS for SB 1682** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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On motion by Senator Cowin—

**CS for CS for SB 2432**—A bill to be entitled An act relating to school system personnel; amending s. 20.15, F.S.; changing the name of the Division of Human Resource Development to the Division of Professional Educators; amending s. 230.303, F.S.; assigning duties of the Florida Council on Educational Development to the Department of Education; amending ss. 231.15, 231.17, F.S.; revising certification requirements; providing for a competency-based alternative preparation program; providing criteria for out-of-state teachers and administrators; amending s. 231.1725, F.S.; requiring school boards to establish minimal qualifications for career specialists; amending s. 231.24, F.S.; authorizing the State Board of Education to establish a certificate fee; extending the time within which an expired certification may be reinstated; amending s. 231.261, F.S.; expanding the membership of the Education Practices Commission; revising the method of designating panels to review certificates; amending s. 231.263, F.S.; providing for a deferred prosecution agreement when enrolled in a recovery network treatment program; amending s. 231.28, F.S.; revising disciplinary procedures of the Education Practices Commission; amending s. 231.30, F.S.; providing standards for certification fees; amending s. 231.600, F.S.; providing criteria for inservice activities of professional development systems; requiring the Department of Education to provide a system for recruitment, preparation, and professional development of school administrators; amending ss. 231.625, 231.6255, F.S.; providing for the Department of Education to take over duties of the Office of Teacher Recruitment and Retention Services; amending s. 236.081, F.S.; conforming a statutory cross-reference; amending s. 236.08106, F.S.; providing that the Florida School for the Deaf and the Blind is a school district for specified purposes; deleting the cap on the fee subsidy for the Excellent Teaching Program; authorizing a teacher to qualify for the mentoring bonus for work outside the district; amending s. 240.529, F.S.; modifying certain requirements for continued approval for teacher preparation programs; creating the Florida Mentor Teacher School Pilot Program; providing standards for multiple career paths in teaching; providing criteria for the program; providing for salary incentives; providing for rulemaking authority; amending s. 240.4063, F.S.; defining the term "publicly funded schools"; repealing s. 231.0861, F.S., relating to selection of principals and assistant principals; repealing s. 231.087, F.S., relating to management training; repealing s. 231.173, F.S., relating to out-of-state teachers and administrators; repealing s. 236.0811, F.S., relating to school board educational training programs; providing an effective date.

—was read the second time by title.

Senator McKay moved the following amendment:

**Amendment 1 (061854)(with title amendment)**—On page 22, line 27, after the period (.) insert: *By October 1, 2000, the State Board of Education shall adopt rules for certification in the area of speech-language impairments at the baccalaureate degree level. This certification shall authorize the provision of speech-language services under the direction of a speech-language pathologist.*

And the title is amended as follows:

On page 1, line 11, after the semicolon (;) insert: directing the State Board of Education to adopt specified rules;

Senator Cowin moved the following amendment to **Amendment 1** which was adopted:

**Amendment 1A (813060)**—On page 1, line 20, delete "*direction*" and insert: *direct supervision*

**Amendment 1** as amended was adopted.

Senator Dyer moved the following amendments which were adopted:

**Amendment 2 (832758)**—On page 54, line 30, delete "*5*" and insert: *7*

**Amendment 3 (522644)**—On page 54, line 21, delete "*3*" and insert: *5*

**Amendment 4 (210924)**—On page 54, lines 2-6, delete those lines and insert: *lead teachers who are supported by education paraprofessionals and directed by a mentor teacher.*

*(3) The five teaching career development positions and minimum requirements are:*

*(a) An education paraprofessional must*

Pursuant to Rule 4.19, **CS for CS for SB 2432** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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On motion by Senator Cowin—

**CS for SB 2434**—A bill to be entitled An act relating to public records; providing an exemption from public records requirements for certain records of an educator who successfully completes a recovery network treatment program; providing an expiration date; providing a finding of public necessity; providing a contingent effective date.

—was read the second time by title.

Senator Cowin moved the following amendment which was adopted:

**Amendment 1 (084744)**—On page 1, line 17, delete "*medical records*" and insert: *investigative records*

Pursuant to Rule 4.19, **CS for SB 2434** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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On motion by Senator Sullivan—

**CS for SB 50**—A bill to be entitled An act relating to education; creating the Teacher Recruitment Program; requiring a school district with a school in grade category "D" or "F" to submit to the Department of Education a plan for recruitment of certain teachers to failing schools; requiring a salary bonus for selected teachers; authorizing the Department of Education to adjust certain terms of a plan; limiting the number of teachers who are eligible for recruitment under the plan; requiring school districts to determine certain criteria for teachers recruited for the program; authorizing principals to determine eligible teachers under the criteria; requiring review of a principal's administration of the program; providing for initial implementation; requiring implementation contingent upon funding; providing an effective date.

—was read the second time by title.

The Committee on Fiscal Policy recommended the following amendment which was moved by Senator Sullivan and failed:

**Amendment 1 (444044)**—On page 2, delete line 4 and insert: *or salary addition, which must be at least $1,000, and the maximum number of years a teacher*

Senator Sullivan moved the following amendment:

**Amendment 2 (791342)(with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. *There is created the Subject Area Teacher Recruitment and Retention Program for areas of critical state concern.—*

*(1) In any year in which the Legislature appropriates funds for the program, full-time middle and high school teachers in the following areas may be eligible for a bonus from the Subject Area Teacher Recruitment and Retention Program:*

*(a) Foreign language.*

*(b) Science.*

*(c) Mathematics.*

*(d) Computer science.*

*(e) Exceptional student education.*

*(2) The Department of Education shall allocate funds to each school district based on each district's total proportion of the state total number of teachers in these areas of critical state concern.*

*(3) For the recruitment segment of the program, district and school officials shall use funds provided as an incentive for employment.*

*(a) Newly employed classroom teachers qualified and assigned to teach in an area of critical state concern are eligible for a bonus of up to $1,200 from the program.*

*(b) The school district may define purposes for the funds, such as payment of moving expenses for a newly employed teacher or purchase of a computer for the teacher's use.*

*(4) For the retention segment of the program, a teacher qualified and assigned to teach in an area of critical state concern is eligible for a bonus of up to $1,200.*

*(a) To receive a bonus, a teacher must have received a favorable performance appraisal for the previous school year and must agree to maintain employment as a classroom teacher in an area of critical state concern for the 2000-2001 school year.*

*(b) To receive funds for the program, a school district must require an exit interview with every teacher who leaves the district's employment and must report the results of the interviews to the Department of Education every 6 months.*

*(c) The Department of Education shall annually summarize and forward the results of the exit interviews to the Governor and the Legislature.*

Section 2. *(1) There is created the Teacher Recruitment Program to encourage the transfer of teachers with demonstrated teaching mastery to failing schools.*

*(2) By July 1 of each year, each school district that contains a school in grade category "D" or "F" shall develop a plan that authorizes principals of schools in those categories to recruit master teachers as provided by the program.*

*(a) The plan must provide for an annual salary bonus, or it must give evidence of contract negotiations that provide an addition to the salary of teachers recruited for the program. The plan must state the amount of the bonus or salary addition and the maximum number of years a teacher may be eligible for the annual bonus, which must be at least $1,000. If the plan authorizes a teacher to earn a bonus for more than 1 year, a teacher may be eligible for a bonus for teaching at a school graded "C" or better, provided that the teacher was recruited to the school when the grade was "D" or "F."*

*(b) The plan must authorize the school principal to determine which teachers meet the performance requirements for the program; however, the principal must supply performance data to support the recruitment of each teacher. The district school board shall review the performance data and approve each selection. If the Legislature appropriates funds for bonus payments in an appropriations act, they must be made no later than October 1 of the year in which they are appropriated.*

*(c) The plan must describe the action the school district will take to make it possible for teachers to transfer into and out of the school.*

*(3) A principal may not select a teacher for the program who is already employed at a school in any year in which it receives a grade of "F," unless the teacher is nationally certified or has been selected as district or state Teacher of the Year. However, if a school improves its grade from*

*an "F" to a "C" or better, all teachers assigned to the school may receive a bonus of an amount provided in the plan.*

*(4) The district school board shall evaluate the principal's performance in administering the program and shall consider the performance of students and faculty in its evaluation. If the school fails to improve its grade in the year following implementation of the program, the school district shall recommend corrective action and submit the recommendation to the State Board of Education for approval. This recommendation must include a statement of how well the principal used the recruitment program to the advantage of the school and whether the principal should be retained. It must describe the measures taken by the district to facilitate the transfer of teachers recruited for the program by the principal.*

Section 3. *(1) There is created the Public School Equipment Matching Grants Program to provide equipment for low-performing schools.*

*(2) A school is eligible for the program if it is graded "F" in any year. The amount of each grant is equal to the private contribution made to an eligible school, but the maximum amount that any qualifying school may receive from the program is $50,000.*

*(3) In-kind contributions may qualify for state match at a value equal to one-half of the fair market value of the in-kind contribution.*

*(4) Before any funds provided for the program may be released to any district for any school, the district school board must, through formal action taken in a public board meeting, certify to the Commissioner of Education that private cash or in-kind contributions have been received by the school seeking a matching grant.*

Section 4. This act shall take effect July 1, 2000.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to education; creating the Teacher Recruitment and Retention Program for areas of critical state concern; identifying the areas of critical state concern; providing eligibility criteria for teachers; providing for allocation of funds; providing for use of funds for employment incentives; requiring certain agreements for receipt of a retention bonus; requiring exit interviews and a report, as a condition for receiving funds from the program; creating the Teacher Recruitment Program for low-performing schools; requiring a school district with a school in grade category "D" or "F" to submit to the Department of Education a plan for recruitment of certain teachers to failing schools; requiring a salary bonus or increase for selected teachers; authorizing principals to determine eligible teachers; requiring performance criteria to be submitted to and reviewed by the district school board; requiring review of a principal's administration of the program; creating the Public School Equipment Matching Grants Program for failing schools; authorizing state matching of certain amounts of private donations; requiring a school board to certify the receipt of certain contributions; providing an effective date.

**MOTION**

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

Senator Kirkpatrick moved the following amendment to **Amendment 2**:

**Amendment 2A (513192)**—On page 3, line 1, after "*F*" insert: *or an alternative school that serves disruptive or violent youths, or a school that has a student population of 70 percent or more at-risk students who qualify for free or reduced-price lunch programs*

Senator Kirkpatrick moved the following substitute amendment for **Amendment 2A** which was adopted:

**Amendment 2B (461840)**—On page 3, line 1, after "*F*" insert: *or an alternative school that serves disruptive or violent youths*

Senator Campbell moved the following amendment to **Amendment 2** which was adopted:

**Amendment 2C (111658)(with title amendment)**—On page 4, following line 31 insert:

Section 4. Subsection (15) of section 230.23, Florida Statutes, is amended to read:

230.23 Powers and duties of school board.—The school board, acting as a board, shall exercise all powers and perform all duties listed below:

(15) PUBLIC INFORMATION *AND PARENTAL INVOLVEMENT* PROGRAM.—

*(a)* Adopt procedures whereby the general public can be adequately informed of the educational programs, needs, and objectives of public education within the district.

*(b) Implement a policy for parental and guardian involvement in schools which addresses the teachers' and the administration's communication with parents and guardians about school programs and student progress, parent and guardian volunteering opportunities, and the availability of community resources that support classroom instruction and child development. The school board may encourage at least one of a child's parents or the child's guardian to participate in an orientation program at the time the child is enrolled in, transferred to, or promoted to a new school.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 6, line 5, following the semicolon (;) insert: amending s. 230.23, F.S.; requiring district school boards to implement policies for parental and guardian involvement in schools;

**Amendment 2** as amended was adopted.

Pursuant to Rule 4.19, **CS for SB 50** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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On motion by Senator Bronson—

**CS for SB 186**—A bill to be entitled An act relating to environmental reorganization; amending s. 20.255, F.S.; providing for the divisions and special offices in the Department of Environmental Protection; deleting outdated provisions relating to review of orders and rules in effect before 1994; transferring and renumbering s. 370.0205, F.S.; providing requirements for citizen support organizations for the Department of Environmental Protection; amending s. 20.331, F.S.; providing requirements for the Fish and Wildlife Conservation Commission when adopting rules; amending ss. 161.031, 161.36, F.S.; authorizing the Department of Environmental Protection to retain specific powers; amending s. 259.101, F.S.; providing for the receipt of funds by the Fish and Wildlife Conservation Commission; amending s. 270.22, F.S.; providing for certain fees to be deposited into the General Inspection Trust Fund of the Department of Agriculture and Consumer Services; amending s. 288.109, F.S.; identifying agencies participating in the one-stop permitting system; amending s. 327.04, F.S.; providing rulemaking authority to the Fish and Wildlife Conservation Commission; amending s. 327.41, F.S.; providing for the issuance of permits by the Fish and Wildlife Conservation Commission; amending s. 327.54, F.S., requiring the lessee of a personal watercraft to receive instruction by the Fish and Wildlife Conservation Commission; amending s. 328.72, F.S.; providing for the distribution of funds by the Fish and Wildlife Conservation Commission; amending s. 370.021, F.S.; providing penalties for violation of rules relating to marine resources; transferring and renumbering s. 370.041, F.S., as s. 161.242, F.S.; amending s. 370.07, F.S.; transferring specific regulatory powers from the Department of Environmental Protection to the Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services; providing for the deposit of certain funds in the General Inspection Trust Fund of the Department of Agriculture and Consumer Services; deleting the authority of the Department of Revenue to adopt emergency rules for the Apalachicola Bay Oyster Surcharge; amending s. 370.101, F.S.; providing for certain saltwater fish regulations to be established by the Fish and Wildlife Conservation Commission; amending s. 370.11, F.S.; providing for issuance of permits by the Fish and Wildlife Conservation Commission; amending s. 370.1107, F.S.; clarifying the meaning of the term "licensed saltwater fisheries trap"; amending s. 370.13, F.S.; providing for the regulation of stone crabs; amending s. 370.1405, F.S.; providing for reports on crawfish by dealers; amending s. 370.16, F.S.; providing for the deposit of certain fees relating to the regulation of oysters; amending s. 370.25,

F.S.; deleting a provision conferring joint responsibility on the captain or operator of a vessel and the registered owner of the vessel for violations while underway; transferring responsibilities for the artificial reef program to the Fish and Wildlife Conservation Commission; amending s. 372.021, F.S.; prescribing powers and duties of the Fish and Wildlife Conservation Commission; amending s. 372.05, F.S.; prescribing duties of the executive director of the commission; amending s. 372.07, F.S.; prescribing police powers of the executive director of the commission; amending s. 372.105, F.S.; clarifying the regulation of saltwater life; revising the deposit of specified funds; amending s. 372.121, F.S.; providing for management of certain lands; amending ss. 372.991, 373.4149, 373.41492, 403.141, 570.235, 590.02, F.S.; conforming references to the Fish and Wildlife Conservation Commission; amending s. 403.707, F.S.; conforming a statutory cross-reference; amending s. 597.004, F.S.; transferring aquaculture shellfish handling regulations from the Department of Environmental Protection to the Department of Agriculture and Consumer Services; amending s. 705.101, F.S.; transferring specific authority over derelict vessels from the Department of Environmental Protection to the Fish and Wildlife Conservation Commission; amending s. 705.103, F.S.; removing authority over abandoned vessels from the Department of Environmental Protection; amending s. 832.06, F.S.; conforming references to the Fish and Wildlife Conservation Commission; repealing s. 370.013, F.S., relating to the Department of Environmental Protection; repealing s. 370.017, F.S., relating to the responsibilities of the secretary of the Department of Environmental Protection; repealing s. 370.032, F.S., relating to definitions; repealing s. 370.033, F.S., relating to legislative intent; repealing s. 370.034, F.S., relating to certificates for dredge and fill equipment; repealing s. 370.036, F.S., relating to the maintenance of records regarding dredge and fill equipment; repealing s. 370.037, F.S., relating to the denial, suspension, or revocation of dredge and fill certificates; repealing s. 370.038, F.S., relating to the adoption of specified rules; repealing s. 370.0606, F.S., relating to appointment of subagents for sale of saltwater licenses and permits; repealing s. 370.0615, F.S., relating to lifetime resident saltwater fishing licenses; repealing s. 370.0805, F.S., relating to the net ban assistance program; repealing s. 372.04, F.S., relating to the director of the commission; repealing s. 372.061, F.S., relating to meetings of the Game and Fresh Water Fish Commission; repealing s. 373.197, F.S., relating to the Kissimmee River Valley and Taylor Creek-Nubbins Slough Basin restoration project; repealing s. 403.261, F.S., relating to the repeal of rulemaking jurisdiction over air and water pollution; repealing s. 370.021(6), F.S., relating to admissibility of rules; repealing s. 370.14(12), F.S., relating to the naming of a sport season for spiny lobsters; providing an effective date.

—was read the second time by title.

Senator Bronson moved the following amendments which were adopted:

**Amendment 1 (704964)(with title amendment)**—On page 37, line 5 through page 39, line 12, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 2, line 30 through page 3, line 2, delete those lines and insert: reports on crawfish by dealers; amending s. 370.25, F.S.; deleting a

**Amendment 2 (835720)(with title amendment)**—On page 61, between lines 9 and 10, insert:

Section 39. Paragraph (h) of subsection (1) of section 260.016, Florida Statutes, is created to read:

260.016 General powers of the department.—

(1) The department may:

*(h) Receive or accept from any legal source, grants for the purpose of providing or improving public greenways and trails, and the department is authorized to disburse funds as pass-through grants to federal, state, or local government agencies, recognized tribal units, or to nonprofit entities created for this purpose. The department has authority to adopt rules pursuant to s. 120.536(1) and 120.54 to implement the provisions of this subsection. Such rules shall provide, but are not limited to, the following: procedures for grant administration and accountability; eligibility, selection criteria; maximum grant amounts and number of pending grants; dedication requirements; and conversion procedures and requirements.*

Section 40. Subsection (1) of section 375.075, Florida Statutes, is amended to read:

375.075 Outdoor recreation; financial assistance to local governments.—

(1) The Department of Environmental Protection is authorized~~, pursuant to s. 370.023,~~ to establish the Florida Recreation Development Assistance Program to provide grants to qualified local governmental entities to acquire or develop land for public outdoor recreation purposes. To the extent not needed for debt service on bonds issued pursuant to s. 375.051, each fiscal year through fiscal year 2000-2001, the department shall develop and plan a program which shall be based upon funding of not less than 5 percent of the money credited to the Land Acquisition Trust Fund pursuant to s. 201.15(2) and (3) in that year. Beginning fiscal year 2001-2002, the department shall develop and plan a program which shall be based upon funding provided from the Florida Forever Trust Fund pursuant to s. 259.105(3)(c).

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 20, after the semicolon (;) insert: amending s. 260.016, F.S.; authorizing the Department of Environmental Protection to receive grants for improving greenways and trails and to adopt rules for the administering pass-through grants; amending s. 375.075, F.S.; correcting a cross-reference;

**Amendment 3 (322782)(with title amendment)**—On page 61, line 12, delete "370.0615"

And the title is amended as follows:

On page 4, lines 24-26, delete those lines and insert: licenses and permits; repealing s. 370.0805, F.S.;

**Amendment 4 (274998)**—On page 12, line 19, after the period (.) insert: *In making appointments, the Governor shall provide reasonable representation from all sections of the state.* ~~The commission shall include one, but not more than two, members from each water management district who have resided in the district for at least 1 year, and the remainder shall be selected from the state at large.~~

Pursuant to Rule 4.19, **CS for SB 186** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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On motion by Senator Bronson—

**CS for CS for SB 386**—A bill to be entitled An act relating to licenses issued by the Fish and Wildlife Conservation Commission; amending s. 372.105, F.S.; providing that the proceeds from the sale of all lifetime licenses be deposited into the Lifetime Fish and Wildlife Trust Fund; amending s. 372.57, F.S.; providing for noncommercial saltwater fishing licenses; providing for exceptions; providing for a combination license to hunt and take freshwater and saltwater fish; providing for a combination freshwater and saltwater fishing license; coordinating the exemption requirements for licenses for retired residents to the retirement-age eligibility requirements of the United States Social Security Administration; authorizing the commission to issue temporary saltwater fishing licenses for special events in management areas for certain persons; providing that no fee is charged for such temporary licenses; providing for lifetime and 5-year saltwater fishing licenses; deleting duplicate provision dealing with fishing licenses for residents 64 years of age or older; providing for a snook permit; providing for a crawfish permit; providing for use of such funds; creating s. 372.5701, F.S.; providing for the deposit and allocation of revenues received from the annual saltwater license fees; amending s. 372.561, F.S.; requiring the commission to issue licenses and permits to take wild animal life or freshwater or saltwater aquatic life upon proof of the applicant that he or she is entitled to such a permit or license; providing that licenses and permits for hunting, saltwater fishing, and freshwater fishing must be issued, without fee, to certain disabled persons; specifying portion of license fees to be retained by tax collectors; amending s. 372.574, F.S.; providing for a fee for electronic license sales; providing for the replacement of a lost or destroyed license or permit; providing a fee; amending s. 372.66, F.S.;

deleting the nonresident fur dealer agent license, the resident fur dealer agent license, and the resident local fur dealer license; amending ss. 372.571, 372.5712, 372.5715, 372.573, 372.661, F.S.; conforming cross-references; amending s. 372.83, F.S.; providing that it is unlawful to make, forge, or counterfeit any hunting or fishing license; providing penalties; providing that it is a noncriminal infraction to violate specified provisions relating to snook permits or crawfish permits; providing penalties; amending ss. 328.72, 328.76, F.S.; revising provisions relating to the remission of service fees to the Department of Highway Safety and Motor Vehicles and relating to the distribution and use of certain portions of the registration certificate fees; amending s. 370.06, F.S.; deleting obsolete provisions relating to gill nets; repealing ss. 370.0605, 370.0615, 370.0608, 370.062, 370.1111, and s. 370.14(10), (11), F.S., relating to saltwater fishing licenses; creating s. 372.5702, F.S.; providing a license program for tarpon; providing for fees; providing for deposit of such fees; providing an effective date.

—was read the second time by title.

Senator Carlton moved the following amendment which was adopted:

**Amendment 1 (092488)(with title amendment)**—On page 7, line 27 through page 9, line 25, delete those lines and insert:

*(c) For a nonresident, a 3-day fishing license to take saltwater fish is $5.*

*(d)*~~(c)~~ *For a nonresident, an annual* ~~A~~ fishing license ~~for a nonresident~~ to take freshwater fish *or an annual license to take saltwater fish* in this state is $30 *each*.

*(e)*~~(d)~~ A combination fishing and hunting license for a resident to take freshwater fish and game in this state is $22.

*(f) A combination fishing license for a resident to take freshwater and saltwater fish is $24.*

*(g) A combination license to hunt and take freshwater and saltwater fish is $34.*

*(h)1. For a person who operates a vessel that is licensed to carry more than 10 customers and for which a fee is paid, either directly or indirectly, for the purpose of taking or attempting to take saltwater fish, the license is $800 per year. The license must be kept aboard the vessel at all times.*

*2. For a person who operates a vessel that is licensed to carry no more than 10 customers, or for a person who is licensed to operate a vessel carrying 6 or fewer customers, for which a fee is paid, either directly or indirectly, for the purpose of taking or attempting to take saltwater fish, the license is $400 per year; however, for a person who is licensed to operate a vessel carrying 6 or fewer customers but who operates a vessel carrying 4 or fewer customers, for which a fee is paid, either directly or indirectly, for such purposes, the license is $200 per year. The license must be kept aboard the vessel at all times.*

*3. A person who operates a vessel required to be licensed under subparagraph 1. or subparagraph 2. may obtain a license in his or her own name, and the license is transferable and applicable to any vessel operated by the purchaser if the purchaser has paid the appropriate license fee.*

*4. For any pier fixed to the land for the purpose of taking or attempting to take saltwater fish therefrom, a fishing license is $500 per year. The owner, operator, or custodian of such a pier may buy the annual $500 license. The purchaser of such a license must have the license available for inspection at all times.*

*5. For a recreational vessel not for hire and for which no fee is paid either directly or indirectly by guests, for the purpose of taking or attempting to take saltwater fish noncommercially, a fishing license is $2,000 per year. The license may be purchased at the option of the vessel owner and must be kept aboard the vessel at all times. The licensee shall maintain a log of species taken and the date the species were taken and shall file a copy of the log with the Fish and Wildlife Conservation Commission at the time of renewal of the license.*

*(i)*~~(e)~~ A hunting license for a resident to take game in this state is $11.

*(j)*~~(f)~~ A hunting license for a nonresident to take game in this state is $150.

*(k)*~~(g)~~ A hunting license for a nonresident to take game in this state for 10 consecutive days is $25.

*(l)*~~(h)~~ A license for a resident and nonresident to take fur-bearing animals in this state is $25.

*(m)*~~(i)~~ A sportsman's license for a resident is $66.

And the title is amended as follows:

On page 1, line 12, after the semicolon (;) insert: providing for a 3-day saltwater fishing license;

Senator Bronson moved the following amendment which was adopted:

**Amendment 2 (234762)**—On page 19, lines 24-26, delete "~~or who holds a valid identification card issued under the provisions of s. 295.17,~~" and insert: or who holds a valid identification card issued under the provisions of s. 295.17,

Senator Kirkpatrick moved the following amendments which were adopted:

**Amendment 3 (405620)(with title amendment)**—On page 4, between lines 2 and 3, insert:

Section 2. Subsection (4) of section 372.16, Florida Statutes, is amended to read:

372.16 Private game preserves and farms; penalty.—

(4) Any person violating the provisions of this section shall for the first offense be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, and for a second or subsequent offense shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. Any person convicted of violating the provisions of this section shall forfeit, to the Fish and Wildlife Conservation Commission, any license or permit issued under the provisions hereof; and no further license or permit shall be issued to such person for a period of 1 year following such conviction. Before any private game preserve or farm is established, the owner or operator shall secure a license from the Fish and Wildlife Conservation Commission, the fee for which shall be *$25* ~~$5~~ per year.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 7, after the first semicolon (;) insert: amending s. 372.16, F.S.; revising license fees for private game preserves;

**Amendment 4 (221814)(with title amendment)**—On page 16, between lines 21 and 22, insert:

*(19) Notwithstanding other provisions of this chapter, the commission may sell fishing rod licenses. The fishing rod license for a resident or nonresident must be adopted by commission rule and must not exceed $200 per license. The license is valid for 1 year from the date of issuance. The fishing rod license allows a person, resident or nonresident, to fish with a rod to which the license is attached, within the state, without the necessity of any other license or permit required by chapter 372 or chapter 370, except for permits or tags required by s. 370.111, s. 370.062, or s. 372.57(4)(f). Each license must be permanently attached to the rod. Damaged rods with licenses or damaged licenses must be returned to the commission for issuance of a replacement license. The commission may charge up to $5 for each replacement license. The commission, by rule, may limit the counties from which the licenses may be obtained and may limit the waterbodies upon which the permitted rods may be used, based upon economic and administrative limitations.*

And the title is amended as follows:

On page 1, line 25, after the first semicolon (;) insert: providing for fishing rod licenses and fees;

**Amendment 5 (614750)(with title amendment)**—On page 12, line 18 through page 13, line 4 delete those lines and insert:

*(f) A Florida turkey permit for a nonresident to take wild turkeys within this state is $100.*

*(g)*~~(f)~~ A special use permit for limited entry hunting or *freshwater* fishing, where such hunting or *freshwater* fishing is authorized by commission rule, shall be up to $100 per day but shall not exceed $250 per week. Notwithstanding any other provision of this chapter, there are no exclusions, exceptions, or exemptions from this fee. In addition to the fee, the commission may charge each applicant for a special use permit a nonrefundable application fee of up to $10.

*(h) A snook permit to take or possess any snook from any waters of the state is $2. Moneys generated from these permits shall be used exclusively for programs to benefit snook population.*

*(i) A crawfish permit to take or possess any crawfish for recreational purposes from any water of the state is $2. Moneys generated from these permits shall be used exclusively for programs to benefit crawfish populations.*

~~(g) The fee for a permanent hunting and fishing license for a resident 64 years of age or older is $12.~~

And the title is amended as follows:

On page 1, line 25, after the first semicolon (;) insert: providing for a turkey permit for nonresidents;

**Amendment 6 (024848)(with title amendment)**—On page 28, between lines 12 and 13, insert:

Section 11. Section 372.579, Florida Statutes, is created to read:

*372.579 Processing applications for licenses and permits.—The commission may by rule adopt a processing fee, not to exceed $100, for each license or permit required by chapter 39, Florida Administrative Code. The commission shall annually report actions taken under this section to the President of the Senate and the Speaker of the House of Representatives.*

And the title is amended as follows:

On page 2, line 18, after the second semicolon (;) insert: creating s. 372.579, F.S.; authorizing the commission to adopt license or processing fees;

**Amendment 7 (565334)(with title amendment)**—On page 28, line 19, delete "$25" and insert: *$50* ~~$25~~

And the title is amended as follows:

On page 2, line 18, after the second semicolon (;) insert: increasing a fee;

**Amendment 8 (474370)(with title amendment)**—On page 37, before line 1, insert:

Section 17. Section 372.87, Florida Statutes, is amended to read:

372.87 License fee; renewal, revocation.—The Fish and Wildlife Conservation Commission is hereby authorized and empowered to issue a license or permit for the keeping, possessing, or exhibiting of poisonous or venomous reptiles, upon payment of an annual fee of *$25* ~~$5~~ and upon assurance that all of the provisions of ss. 372.86-372.91 and such other reasonable rules and regulations as said commission may prescribe will be fully complied with in all respects. Such permit may be revoked by the Fish and Wildlife Conservation Commission upon violation of any of the provisions of ss. 372.86-372.91 or upon violation of any of the rules and regulations prescribed by said commission relating to the keeping, possessing, and exhibiting of any poisonous and venomous reptiles. Such permits or licenses shall be for an annual period to be prescribed by the said commission and shall be renewable from year to year upon the payment of said *$25* ~~$5~~ fee and shall be subject to the same conditions, limitations, and restrictions as herein set forth.

Section 18. Subsections (1), (2), and (4) of section 372.921, Florida Statutes, are amended to read:

372.921 Exhibition of wildlife.—

(1) In order to provide humane treatment and sanitary surroundings for wild animals kept in captivity, no person, firm, corporation, or association shall have, or be in possession of, in captivity for the purpose of public display with or without charge or for public sale any wildlife, specifically birds, mammals, *amphibians,* and reptiles, whether indigenous to Florida or not, without having first secured a permit from the Fish and Wildlife Conservation Commission authorizing such person, firm, or corporation to have in its possession in captivity the species and number of wildlife specified within such permit; however, this section does not apply to any wildlife not protected by law and the regulations of the Fish and Wildlife Conservation Commission.

(2) The fees to be paid for the issuance of permits required by subsection (1) shall be as follows:

(a) For not more than *25 Class I or Class II* ~~10~~ individual specimens in the aggregate of all species, the sum of *$100* ~~$5~~ per annum.

(b) For over *25 Class I or Class II* ~~10~~ individual specimens in the aggregate of all species, the sum of *$250* ~~$25~~ per annum.

*(c) For any number of Class III individual specimens in the aggregate of all species, the sum of $25 per annum.*

The fees prescribed by this section shall be submitted to the Fish and Wildlife Conservation Commission with the application for permit required by subsection (1) and shall be deposited in the State Game Fund.

(4) Permits issued pursuant to this section and places where wildlife is kept or held in captivity shall be subject to inspection by officers of the Fish and Wildlife Conservation Commission at all times. The commission shall have the power to release or confiscate any specimens of any wildlife, specifically birds, mammals, *amphibians,* or reptiles, whether indigenous to the state or not, when it is found that conditions under which they are being confined are unsanitary, or unsafe to the public in any manner, or that the species of wildlife are being maltreated, mistreated, or neglected or kept in any manner contrary to the provisions of chapter 828, any such permit to the contrary notwithstanding. Before any such wildlife is confiscated or released under the authority of this section, the owner thereof shall have been advised in writing of the existence of such unsatisfactory conditions; the owner shall have been given 30 days in which to correct such conditions; the owner shall have failed to correct such conditions; the owner shall have had an opportunity for a proceeding pursuant to chapter 120; and the commission shall have ordered such confiscation or release after careful consideration of all evidence in the particular case in question. The final order of the commission shall constitute final agency action.

Section 19. Subsections (2) and (3) of section 372.922, Florida Statutes, are amended to read:

372.922 Personal possession of wildlife.—

(2) The classifications of types of wildlife and fees to be paid for the issuance of permits shall be as follows:

(a) Class I—Wildlife which, because of its nature, habits, or status, shall not be possessed as a personal pet.

(b) Class II—Wildlife considered to present a real or potential threat to human safety, the sum of $100 per annum.

*(c) Class III—Wildlife specified by rule of the commission, the sum of $25 per annum.*

(3) The commission shall *adopt rules* ~~promulgate regulations~~ defining Class I, *Class* ~~and~~ II, *and Class III* types of wildlife. The commission shall also establish regulations and requirements necessary to ensure that permits are granted only to persons qualified to possess and care properly for wildlife and that permitted wildlife possessed as personal pets will be maintained in sanitary surroundings and appropriate neighborhoods.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 6, after the second semicolon (;) insert: amending s. 372.87, F.S.; revising venomous reptile license fees; amending s. 372.921, F.S.; revising wildlife exhibition permit fees; amending s. 372.922, F.S.; revising the classifications and permit fees for wildlife;

Pursuant to Rule 4.19, **CS for CS for SB 386** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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On motion by Senator Laurent, consideration of **CS for SB 1910** was deferred.

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On motion by Senator Myers—

**SB 110**—A bill to be entitled An act relating to executive appointments; amending s. 14.29, F.S., relating to terms of members of the Florida Commission on Community Service; deleting obsolete provisions; amending s. 20.255, F.S.; clarifying provisions relating to the terms of members of the Environmental Regulation Commission within the Department of Environmental Protection; amending s. 20.316, F.S.; requiring that the Secretary of Juvenile Justice be confirmed by the Senate; amending s. 20.41, F.S., relating to the Secretary of Elderly Affairs; deleting obsolete provisions; amending s. 20.42, F.S.; requiring the Director of Health Care Administration to be confirmed by the Senate; amending s. 186.504, F.S.; clarifying membership, and specifying terms of members, of regional planning councils; amending s. 231.545, F.S., relating to membership on the Education Standards Commission within the Department of Education; deleting obsolete provisions; amending s. 240.145, F.S., relating to terms of members of the Postsecondary Education Planning Commission; deleting obsolete provisions; amending s. 240.313, F.S.; specifying the terms of members of the board of trustees of a community college; amending s. 246.205, F.S., relating to terms of members of the State Board of Nonpublic Career Education; deleting obsolete provisions; amending s. 288.707, F.S.; clarifying membership on the Florida Black Business Investment Board within the Office of Tourism, Trade, and Economic Development; deleting obsolete provisions; amending s. 288.9604, F.S., relating to terms of members of the board of the Florida Development Finance Corporation; deleting obsolete provisions; amending s. 331.308, F.S., relating to the board of supervisors of the Spaceport Florida Authority; deleting a requirement that the Senate confirm the legislative ex officio members of the board; deleting obsolete provisions relating to appointments and terms; amending s. 349.03, F.S., relating to terms of members of the governing body of the Jacksonville Transportation Authority; deleting obsolete provisions; amending s. 350.01, F.S., relating to terms of members of the Florida Public Service Commission; deleting obsolete provisions; clarifying the term for the chairperson of the commission; amending s. 370.19, F.S.; revising the membership of the Atlantic States Marine Fisheries Commission; revising requirements for the legislative ex officio members of the commission; specifying terms of office; amending s. 370.20, F.S., relating to the Gulf States Marine Fisheries Commission; revising requirements for the legislative ex officio members of the commission; specifying terms of office; amending s. 373.0693, F.S.; clarifying terms of office for members of basin boards within the water management districts; amending s. 380.504, F.S., relating to terms of members of the governing body of the Florida Communities Trust within the Department of Community Affairs; deleting obsolete provisions; amending s. 404.31, F.S., relating to terms of members of the Southeast Interstate Low-Level Radioactive Waste Management Commission; deleting obsolete provisions; amending s. 443.012, F.S., relating to terms of members of the Unemployment Appeals Commission within the Department of Labor and Employment Security; deleting obsolete provisions; amending s. 447.205, F.S., relating to terms of members of the Public Employees Relations Commission within the Department of Labor and Employment Security; deleting obsolete provisions; repealing s. 464.0045, F.S., relating to terms of members of the Board of Nursing; amending s. 468.1135, F.S., relating to terms and qualifications of members of the Board of Speech-Language Pathology and Audiology; deleting obsolete provisions; amending s. 468.203, F.S., relating to the practice of occupational therapy; providing a definition; amending s. 468.205, F.S., relating to terms for members of the Board of Occupational Therapy Practice; deleting obsolete provisions; amending s. 468.354, F.S.; deleting a limitation on terms of appointment; deleting obsolete provisions; amending s. 468.4315, F.S., relating to terms of members of the Regulatory Council of Community Association Managers; deleting obsolete provisions; amending s. 468.521, F.S., relating to terms of members of the Board of Employee Leasing Companies; deleting obsolete provisions; amending s. 468.605, F.S., relating to terms of the members of the Florida Building Code Administrators and Inspectors Board; deleting obsolete and conflicting provisions; amending s. 468.801, F.S., relating to the terms of members of the Board of Orthotists and Prosthetists; deleting obsolete provisions; amending s. 475.02, F.S., relating to terms of the members of the Florida Real Estate Commission within the Department of Business and Professional Regulation; deleting obsolete provisions; amending s. 475.613, F.S., relating to terms and qualifications of members of the Florida Real Estate Appraisal Board; deleting obsolete provisions; amending s. 476.054, F.S., relating to terms of members of the Barbers' Board; deleting conflicting provisions; amending s. 477.015, F.S., relating to terms of the members of the Board of Cosmetology; deleting a limitation on terms of appointment; amending s. 480.035, F.S., relating to terms of the members of the Board of Massage Therapy; deleting a limitation on terms of appointment; amending s. 483.805, F.S., relating to terms of members of the Board of Clinical Laboratory Personnel; deleting obsolete provisions; amending s. 489.107, F.S., relating to terms of the members of the Construction Industry Licensing Board; deleting a limitation on terms of appointment; amending s. 491.004, F.S., relating to terms of the members of the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling; deleting obsolete provisions; amending s. 497.101, F.S., relating to terms of the members of the Board of Funeral and Cemetery Services; deleting obsolete provisions; amending s. 601.04, F.S., relating to the appointment and terms of members of the Florida Citrus Commission within the Department of Citrus; deleting obsolete provisions; clarifying terms of members following redistricting; amending s. 945.602, F.S., relating to qualifications of the members of the State of Florida Correctional Medical Authority; deleting obsolete provisions; amending ss. 947.01, 947.03, F.S., relating to the appointment and number of members of the Parole Commission; deleting obsolete provisions; repealing s. 947.022, F.S., relating to terms and appointment of members of the Parole Commission; providing an effective date.

—was read the second time by title.

Senator Brown-Waite moved the following amendment which was adopted:

**Amendment 1 (494178)(with title amendment)**—On page 42, lines 11-16, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 5, lines 22-24, delete those lines and insert: amending s. 947.03, F.S., relating to the appointment of members of the Parole Commission; deleting obsolete

Pursuant to Rule 4.19, **SB 110** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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On motion by Senator Laurent—

**CS for SB 1910**—A bill to be entitled An act relating to child welfare; amending s. 39.201, F.S.; revising confidentiality of recorded central abuse hotline calls relating to child abuse, neglect, or abandonment; providing clarifying language for community-based care providers of foster care and related services; providing circumstances in which an officer or employee of the judicial branch is not required to report child abuse, abandonment, or neglect; amending s. 39.202, F.S.; providing for the inclusion of the child protection team in the list of those to whom an alleged abuse reporter's name may be released; amending s. 39.205, F.S.; exempting judges from prosecution for failure to report; amending s. 39.301, F.S.; clarifying language relating to initiation of protective investigations and criminal investigations; clarifying that the age of parents shall be factored into risk assessments; changing certain time requirements; amending s. 39.303, F.S.; specifying additional supportive services to be provided by child protection teams; requiring certain training for medical personnel participating in a child protection team; revising reports of abuse, abandonment, or neglect that must be referred to the Department of Health for supportive services; revising requirements relating to review of certain cases of abuse, abandonment, or neglect and standards for face-to-face medical evaluations by a child protection team; requiring collaboration between certain state agencies relating to reports of child abuse, abandonment, and neglect; amending s. 39.304, F.S.; providing for disposition of investigative photographs of physical abuse injuries and sexual abuse trauma; amending s. 39.402, F.S.; clarifying that the court must be informed of identified case plans at shelter hearings; amending s. 383.402, F.S.; deleting a reference to the Kayla McKean Child Protection Act; revising duties of the local child abuse death review committee and district coordinators; amending s.

409.1671, F.S.; deleting requirement that the case-transfer process for contracts with community-based agencies for provision of foster care and related services identify closure of protective investigations; requiring a report at the conclusion of the investigation; repealing s. 1, ch. 99-168, Laws of Florida, which provides a short title naming the Act the Kayla McKean Child Protection Act; providing an effective date.

—was read the second time by title.

Senator Mitchell moved the following amendment which was adopted:

**Amendment 1 (720146)(with title amendment)**—On page 18, between lines 20 and 21, insert:

Section 9. Paragraph (b) of subsection (3) of section 409.145, Florida Statutes, is amended to read:

409.145 Care of children.—

(3)

(b) The services of the foster care program shall continue for those individuals 18 to 21 years of age only for the period of time the individual is continuously enrolled in high school, in a program leading to a high school equivalency diploma as defined in s. 229.814, or in a full-time career education program. Services shall be terminated upon completion of or withdrawal or permanent expulsion from high school, the program leading to a high school equivalency diploma, or the full-time career education program. *In addition, the department may, based upon the availability of funds, provide assistance to those individuals who leave foster care when they attain 18 years of age and subsequently request assistance prior to their 21st birthday. The following are examples of assistance that may be provided: referrals for employment, services for educational or vocational development, and housing assistance.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 15, after the first semicolon (;) insert: amending s. 409.145, F.S.; authorizing the Department of Children and Family Services to provide additional assistance for certain individuals leaving foster care;

Pursuant to Rule 4.19, **CS for SB 1910** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

## MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Meek, by two-thirds vote **SB 128**, **SB 900**, **SB 1706** and **SB 2440** were withdrawn from the committees of reference and further consideration.

On motion by Senator Myers, by two-thirds vote **SB 1658**, **SJR 2626** and **SB 2630** were withdrawn from the committees of reference and further consideration.

On motion by Senator McKay, by two-thirds vote **CS for SB 376** was withdrawn from the Committee on Commerce and Economic Opportunities; **CS for SB 2132**, **CS for SB 1046**, **HB 2157**, **CS for SB's 1284, 1476, 1528 and 1616**, **CS for CS for SB 1492** and **CS for SB 2052** were withdrawn from the Committee on Fiscal Policy; **CS for SB 1846** and **SB 1218** were withdrawn from the Committee on Rules and Calendar; **SB 2186** was withdrawn from the Committee on Ethics and Elections; **SB 320** was withdrawn from the Committee on Criminal Justice; and **SB 2012** was withdrawn from the Committee on Governmental Oversight and Productivity.

## MOTIONS

On motion by Senator McKay, the rules were waived and by two-thirds vote **CS for SB 780** and **CS for HB 955** were placed first on the Special Order Calendar for Friday, April 28.

On motion by Senator McKay, by two-thirds vote **CS for SB 1680**, **CS for CS for SB 1694** and **SB 1696** were placed at the end of the Special Order Calendar for Friday, April 28.

On motion by Senator McKay, a deadline of 7:00 p.m. this day was set for filing amendments to Bills on Third Reading and the Special Order Calendar to be considered Friday, April 28.

On motion by Senator McKay, the rules were waived and by two-thirds vote the Consent Calendar was placed on the Special Order Calendar for Friday, April 28.

## REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Friday, April 28, 2000: CS for CS for SB 940, CS for CS for CS for SB 2154, CS for SB 1900 and SB 282, CS for CS for CS for SB 1508 and CS for SB's 706 and 2234, CS for SB 2242, SB 1352, CS for CS for CS for SB 1406, CS for SB 1194, CS for SB 1206, CS for CS for SB 1708, CS for SB 68, SB 1692, CS for SB 1992, CS for CS for SB 2208, CS for CS for SB 2548, SB 2566, CS for CS for SB 1494, SB 1640, CS for CS for SB 2324, CS for SB 238, CS for SB 1526, CS for SB 1720, CS for SJR 1008, SB 2168, CS for CS for SB 1998, CS for CS for CS for SB 2446, CS for CS for SB 1710, CS for SB 334, SB 364, CS for SB 366, SB 1656, SB 1652, SB 1502, CS for SB 270, CS for SB 346, CS for CS for SB 1098, CS for SB 1064, CS for SB 1574, SB 1592, CS for SB 80, CS for SB 314, CS for SB 182, SB 1460, CS for SB 2388, CS for SB 1612, CS for SB 2396, SB 2422, CS for SB 198, SB 1336, CS for SB 994, CS for SB 2034

Respectfully submitted,
*John McKay*, Chairman

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The Committee on Rules and Calendar submits the following bills to be placed on the Consent Calendar for Friday, April 28, 2000: CS for SB 324, CS for SB 1236, CS for SB 2220, CS for CS for SB 2276, CS for SB 314, SB 2516, CS for SB 1174, CS for CS for SB 340, SB 164, CS for SB 2318, CS for SB 2134, CS for CS for SB 1890, CS for SB 2624, CS for SB 1618, CS for SB 306, CS for SB 1018, CS for CS for SB 2578, CS for SB 1170, CS for SB 768, CS for SB 2506, CS for CS for SB 1646, CS for SB 80, CS for SB 222, SB 1550, CS for SB 924, SB 1632, CS for CS for SB 1292, CS for SB 2086, CS for SB 1996, CS for CS for CS for SB 2464, CS for SB 1864, CS for CS for CS for SB 414, CS for CS for SB 2390, CS for SB 1300, CS for SB 1412

Respectfully submitted,
*John McKay*, Chairman

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The Committee on Fiscal Resource recommends the following pass: SB 52 with 2 amendments, SB 874 with 2 amendments, SB 1184 with 1 amendment, SB 2274

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 2340, SB 2618

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

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The Committee on Transportation recommends the following pass: CS for SB 2052

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

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The Committee on Governmental Oversight and Productivity recommends the following pass: SB 1092

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

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The Committee on Fiscal Policy recommends the following pass: HB 2151 with 1 amendment, SB 676, CS for SB 924 with 1 amendment, SB 1024 with 2 amendments, CS for CS for SB 1334 with 1 amendment, SB 1692 with 1 amendment, SB 2168 with 1 amendment

The Committee on Fiscal Resource recommends the following pass: CS for SB 2074 with 2 amendments

The Committee on Governmental Oversight and Productivity recommends the following pass: CS for SB 306 with 1 amendment, CS for SB 878 with 1 amendment, SB 1000, CS for SB 1226 with 1 amendment, SB 1638, CS for SB 2180, CS for SB 2218, CS for SB 2344 with 3 amendments, SB 2392, SB 2584 with 1 amendment

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

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The Committee on Judiciary recommends a committee substitute for the following: SB 410

The Committee on Transportation recommends a committee substitute for the following: SB 1036

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

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The Committee on Fiscal Resource recommends committee substitutes for the following: SB 84, SB 376, SB 804, SB 1458, SB 1604

**The bills with committee substitutes attached were referred to the Committee on Commerce and Economic Opportunities under the original reference.**

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The Committee on Transportation recommends committee substitutes for the following: SB 732, SB 2384

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

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The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 1352

The Committee on Judiciary recommends a committee substitute for the following: SB 2004

The Committee on Transportation recommends a committee substitute for the following: SB 56

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

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The Committee on Governmental Oversight and Productivity recommends committee substitutes for the following: CS for SB 1450, SB 2346

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

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The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 2152

The Committee on Judiciary recommends a committee substitute for the following: SJR 1344

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

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The Committee on Comprehensive Planning, Local and Military Affairs recommends a committee substitute for the following: CS for SB 2342

The Committee on Fiscal Policy recommends committee substitutes for the following: SB 68, CS for CS for SB 414, SB 820, CS for SB 940, CS for SB 1206, CS for CS for SB 1406, CS for CS for SB 1508 and CS for SB's 706 and 2234, CS for SB 1708, CS for SB 1888, CS for CS for SB 2154, CS for SB 1900 and SB 282, CS for SB 2208, CS for SB 2242, SB 2322, CS for CS for SB 2446, CS for CS for SB 2548

The Committee on Fiscal Resource recommends committee substitutes for the following: SB 238, CS for CS for SB 802, CS for SB 954, CS for CS for SB 1338, CS for SB 1394, CS for SB 1710, CS for SB 1998, CS for SB 2324

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 2076

The Committee on Judiciary recommends committee substitutes for the following: CS for SB 2468, SB 2592

The Committee on Transportation recommends committee substitutes for the following: SB 206, SB 316, SB 684, SB 2368

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

## REPORTS OF COMMITTEES RELATING TO GUBERNATORIAL APPOINTMENTS

The Committee on Natural Resources recommends that the Senate confirm the appointment made by the Governor of James T. Swann, for a term ending July 1, 2003, as a member of the **Environmental Regulation Commission**.

**[The appointment contained in the foregoing report was referred to the Committee on Gubernatorial Appointments and Confirmations under the original reference.]**

## COMMITTEE SUBSTITUTES

### FIRST READING

By the Committee on Transportation and Senator Diaz-Balart—

**CS for SB 56**—A bill to be entitled An act relating to highway safety; amending s. 316.520, F.S.; providing for criminal penalties for failure to secure loads on vehicles under certain circumstances; providing for exceptions; amending s. 318.18, F.S.; providing a minimum penalty for violations of s. 316.520, F.S.; amending s. 318.19, F.S.; providing a mandatory hearing for violations of s. 316.520, F.S.; amending s. 318.21, F.S.; providing that the fines collected for a violation of s. 316.520, F.S., shall be used to educate the public about the hazards of driving with unsecured loads; providing an effective date.

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By the Committee on Fiscal Policy and Senators Diaz-Balart and Hargrett—

**CS for SB 68**—A bill to be entitled An act relating to postsecondary education; authorizing a college of law at Florida International University and Florida Agricultural and Mechanical University; providing duties of the Board of Regents and others; providing authority to accept grants and other available funds; providing conditions for cessation of a college of law; authorizing certain scholarship recipients to attend a college of law prior to its accreditation; providing an effective date.

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By the Committee on Fiscal Resource and Senator Sullivan—

**CS for SB 84**—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.0515, F.S.; revising the calculation of taxes on beverages and foods sold from vending machines; providing an appropriation; providing an effective date.

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By the Committee on Transportation and Senator Clary—

**CS for SB 206**—A bill to be entitled An act relating to toll facilities; amending s. 338.155, F.S.; exempting certain vehicles on official business from the payment of tolls on toll facilities; providing an effective date.

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By the Committee on Fiscal Resource and Senator Horne—

**CS for SB 238**—A bill to be entitled An act relating to revenue for school construction; amending s. 125.01, F.S.; limiting the ability of counties to levy school impact fees; providing for the distribution to school boards of certain funds appropriated in the General Appropriations Act; providing for uses of appropriated funds; providing an effective date.

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By the Committee on Transportation and Senator Grant—

**CS for SB 316**—A bill to be entitled An act relating to the Florida Safety Belt Law; amending s. 316.614, F.S.; providing restrictions on authority to search a motor vehicle, its contents, the driver, or a passenger based on a safety belt violation; deleting a provision that requires enforcement of the act only as a secondary action; requiring motor vehicle insurers to reduce rates for certain motor vehicle insurance coverages; providing an effective date.

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By the Committee on Fiscal Resource and Senators Laurent and Mitchell—

**CS for SB 376**—A bill to be entitled An act relating to taxes on the severance of solid minerals; amending s. 211.31, F.S.; increasing the amount of funds credited to the Minerals Trust Fund from severance taxes that remains in the trust fund at the end of the fiscal year; amending s. 211.3103, F.S.; revising the distribution of the revenues from the tax on the severance of phosphate rock under specified circumstances; repealing s. 211.3103(9), F.S., which requires that when a county accepts a donation of real or other property from a producer the amount of the proceeds of said tax returned to that county be reduced by the value of the donation; amending s. 378.036, F.S.; revising requirements relating to a list identifying certain nonmandatory lands developed by the Department of Environmental Protection and the Fish and Wildlife Conservation Commission and purposes for which lands may be acquired with funds from the Nonmandatory Land Reclamation Trust Fund; providing an effective date.

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By the Committee on Judiciary and Senator Forman—

**CS for SB 410**—A bill to be entitled An act relating to limitations on actions; amending s. 95.031, F.S.; exempting aircraft and their component parts from a 20-year statute of repose on actions brought to recover for harm caused by products having a specified expected useful life; providing an effective date.

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By the Committees on Fiscal Policy; Governmental Oversight and Productivity; Banking and Insurance; and Senators Mitchell, Clary, Rossin, McKay and Latvala—

**CS for CS for CS for SB 414**—A bill to be entitled An act relating to the state group health insurance and prescription drug programs; creating s. 110.1228, F.S.; authorizing specified local governmental entities to apply for participation; providing eligibility requirements for enrollment; exempting the program from ss. 624.436-624.446, F.S.; authorizing the Department of Management Services to adopt rules; authorizing the department to contract with a third party for an actuarial study; requiring that additional costs or savings be passed on to local government entities; providing a conditional effective date.

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By the Committee on Transportation and Senator Diaz-Balart—

**CS for SB 684**—A bill to be entitled An act relating to traffic control; amending s. 316.6135, F.S.; providing definitions; providing penalties for leaving a child under a certain age unattended or unsupervised in a motor vehicle; providing an effective date.

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By the Committee on Transportation and Senator Sebesta—

**CS for SB 732**—A bill to be entitled An act relating to traffic infractions; creating s. 316.1923, F.S.; prescribing acts that constitute the offense of aggressive careless driving; providing penalties; providing increasingly severe penalties for first, second, and third or subsequent violations; amending s. 322.27, F.S.; providing a point assessment for certain violations; amending s. 318.1451, F.S.; providing for the approval of a driver improvement course with respect to aggressive careless driving violations; amending s. 318.17, F.S.; excepting a violation of s. 318.1923, F.S., for aggressive careless driving from the provisions of the chapter; amending s. 318.19, F.S.; requiring a mandatory hearing for an infraction of s. 318.1923, F.S.; amending s. 322.264, F.S.; including certain violations of s. 316.1923, F.S., within the definition of a habitual traffic offender in conformance to the act; amending s. 316.65, F.S., providing for modification of the traffic citation; providing an effective date.

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By the Committees on Fiscal Resource; Health, Aging and Long-Term Care; Comprehensive Planning, Local and Military Affairs; and Senators Saunders and Silver—

**CS for CS for CS for SB 802**—A bill to be entitled An act relating to the county public hospital surtax; amending s. 212.055, F.S.; expanding the authorized use of the indigent care surtax to include trauma centers; renaming the surtax; requiring the plan set out in the ordinance to include additional provisions concerning Level I trauma centers; providing requirements for annual disbursements to hospitals on October 1 to be in recognition of the Level I trauma center status and to be in addition to a base contract amount, plus any negotiated additions to indigent care funding; authorizing funds received to be used to generate federal matching funds under certain conditions and authorizing payment by the clerk of the court; revising provisions that require the counties authorized to levy the surtax to annually appropriate a specified minimum amount for operation, administration, and maintenance of the county public general hospital; providing procedure for disbursement of funds by certain counties; creating a governing board, agency, or authority; requiring the governing board, agency, or authority in such counties to adopt and implement a health care plan for indigent health care services; providing for reimbursement to service providers for certain services; specifying provisions of the plan; providing an effective date.

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By the Committee on Fiscal Resource and Senators Saunders and Clary—

**CS for SB 804**—A bill to be entitled An act relating to entertainment industry incentives; creating s. 288.1258, F.S.; authorizing entertainment industry production companies to apply for approval by the Office of the Film Commissioner as a qualified production company for the purpose of receiving sales tax exemptions; directing the office to develop application procedures; providing for denial and revocation of a certificate of exemption; providing a penalty for falsification of an application or unauthorized use of a certificate of exemption; providing categories of qualification for a certificate of exemption; providing duties of the Department of Revenue with respect to application and issuance of a certificate of exemption for qualified production companies; requiring the Office of the Film Commissioner to keep specified records; requiring an annual report to the Legislature; amending s. 212.031, F.S., relating to the tax on the lease or rental of or license in real property; providing that the exemption for property used as an integral part of the performance of qualified production services inures to the taxpayer upon presentation of a certificate of exemption issued under s. 288.1258, F.S.; amending s. 212.06, F.S.; providing that the exemption for fabrication labor used in the production of a qualified motion picture inures to the taxpayer upon presentation of a certificate of exemption issued under s.

288.1258, F.S.; amending s. 212.08, F.S.; providing that the exemption for certain motion picture or video equipment and sound recording equipment shall be a point of sale exemption rather than by refund; providing that the exemption inures to the taxpayer upon presentation of a certificate of exemption issued under s. 288.1258, F.S.; providing that the partial exemption for master tapes, records, films, or video tapes inures to the taxpayer upon presentation of a certificate of exemption issued under s. 288.1258, F.S.; amending s. 213.053, F.S.; authorizing the Department of Revenue to share certain information with the Office of the Film Commissioner; providing effective dates.

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By the Committee on Fiscal Policy and Senators Thomas, Silver, Rossin and Horne—

**CS for SB 820**—A bill to be entitled An act relating to state employees; authorizing the Department of Management Services and the Board of Regents to adopt tax-sheltered plans for state employees who are eligible for payment for accumulated leave upon termination of employment; providing conditions; providing for funding; providing for review of proposed plans by the State Board of Administration; providing for continuous departmental oversight; authorizing employees to withdraw such funds upon termination of employment; providing that employees are to be held harmless by the state for early withdrawal penalties imposed by the Internal Revenue Service; providing for participation in the plan by employees enrolled in the Deferred Retirement Option Program; authorizing the department and the Board of Regents to determine the design of the plans and the eligible participants; providing an effective date.

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By the Committees on Fiscal Policy; Health, Aging and Long-Term Care; and Senators Lee, Brown-Waite, Silver, Clary, Latvala, Saunders, Kurth and Cowin—

**CS for CS for SB 940**—A bill to be entitled An act relating to delivery of health care services; creating a pharmaceutical expense assistance program; providing eligibility; prescribing duties of the Agency for Health Care Administration and other entities; providing for rules; requiring a report; prescribing prerequisites that drug manufacturers must meet in order for their drug products to be covered under the program; requiring pharmacies that participate in the program or in Medicaid to agree to limitations on compensation; providing for certain professional regulatory boards to adopt rules to discourage their respective practitioners from accepting certain types of compensation from pharmaceutical manufacturers; requiring disclosure of certain information relating to such compensation; providing legislative intent; providing appropriations; providing an effective date.

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By the Committees on Fiscal Resource; Health, Aging and Long-Term Care; and Senators Saunders and Kirkpatrick—

**CS for CS for SB 954**—A bill to be entitled An act relating to health care; amending s. 395.701, F.S.; reducing the annual assessment on hospitals for outpatient services; amending s. 395.7015, F.S.; reducing the annual assessment against certain health care entities; amending s. 408.904, F.S.; increasing benefits for certain persons who receive hospital outpatient services; amending s. 408.905, F.S.; increasing benefits furnished by Medicaid providers to recipients of hospital outpatient services; amending s. 905.908, F.S.; increasing reimbursement to hospitals for outpatient care; amending s. 409.912, F.S.; providing for a contract with and reimbursement of an entity in Pasco County or Pinellas County which provides in-home physician services to Medicaid recipients with degenerative neurological diseases; providing for future repeal; requiring certain health care providers to conduct an annual survey and produce an annual report on uncompensated care; providing appropriations; providing an effective date.

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By the Committee on Transportation and Senators Kirkpatrick and Forman—

**CS for SB 1036**—A bill to be entitled An act relating to off-highway vehicles; amending s. 215.22, F.S.; exempting the Off-Highway-Vehicle Revolving Trust Fund from a required deduction; creating ch. 261, F.S.; creating the Florida Off-Highway-Vehicle Safety and Recreation Act; providing legislative intent; providing definitions; creating the Off-Highway-Vehicle Recreation Advisory Committee; providing duties and responsibilities; providing for the duties and responsibilities of the Department of Agriculture and Consumer Services; providing for rulemaking authority; providing for the publication and sale of a guidebook; providing for the repair, maintenance and restoration of areas, trails, and lands; providing for contracts and agreements; providing criteria for recreation areas and trails; amending s. 316.2074, F.S.; revising the definition of the term "all-terrain vehicle"; creating the Florida Off-Highway-Vehicle Titling and Registration Act; providing legislative intent; providing definitions; providing for administration by the Department of Highway Safety and Motor Vehicles; providing for rules, forms, and notices; requiring certificates of title; providing for application for and issuance of certificates of title; providing for duplicate certificates of title; requiring the furnishing of a manufacturer's statement of origin; requiring registration; providing for application for and issuance of certificate of registration, registration number, and decal; providing for the registration period and for reregistration by mail; providing for change of interest and address; providing for duplicate registration certificate and decal; providing for fees; providing for disposition of fees; providing for refusal to issue and authority to cancel a certificate of title or registration; providing for crimes relating to certificates of title and registration decals; providing penalties; providing for noncriminal infractions; providing penalties; amending s. 375.315, F.S., relating to the registration of off-road vehicles; providing an effective date.

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By the Committees on Fiscal Policy; Commerce and Economic Opportunities; and Senator Kirkpatrick—

**CS for CS for SB 1206**—A bill to be entitled An act relating to labor and employment security; repealing s. 20.171, F.S., relating to the authority and organizational structure of the Department of Labor and Employment Security; providing for a type one transfer of the Division of Workers' Compensation to the Department of Insurance; providing for a type two transfer of certain functions of the Division of Workforce and Employment Opportunities relating to labor organizations and child labor to the Department of Insurance; providing for a type two transfer of certain functions of the Division of Workforce and Employment Opportunities relating to migrant and farm labor registration to the Department of Insurance; providing for a type two transfer of other workplace regulation functions to the Department of Insurance; providing for a transfer of certain administrative resources of the Department of Labor and Employment Security to the Department of Insurance; amending s. 20.13, F.S.; providing for a Division of Workers' Compensation in the Department of Insurance; creating a Bureau of Workplace Regulation and a Bureau of Workplace Safety within the Division of Workers' Compensation of the Department of Insurance; providing for a type two transfer of the Division of Unemployment Compensation to the Department of Revenue; providing an exception; providing for a type two transfer of unemployment appeals referees to the Unemployment Appeals Commission; providing for a type two transfer of the Office of Information Systems from the Department of Labor and Employment Security to the Department of Management Services; providing an exception for certain portions of the office to be transferred to the Agency for Workforce Innovation; providing for a type two transfer of the Minority Business Advocacy and Assistance Office from the Department of Labor and Employment Security to the Department of Management Services; creating the Florida Task Force on Workplace Safety; prescribing membership of the task force; providing a purpose for the task force; providing for staffing, administration, and information sharing; requiring a report; authorizing the Division of Workers' Compensation to establish time-limited positions related to workplace safety; authorizing the division to establish permanent positions upon completion of the task force report; providing for transfer of certain records and property; providing for termination of the task force; amending s. 39 of ch. 99-240, Laws of Florida; providing for the transfer of the Division of Blind Services to the Department of Management Services rather than the Department of Education; revising the effective date of such transfer; providing legislative intent on the transfer of functions of the Department of Labor and Employment Security; providing for reemployment assistance to dislocated department employees; providing for hiring preferences for such employees; providing for the transfer of certain records and funds; creating the Labor and Employment Security Transition Team; prescribing membership of the transition team; providing for

staffing; requiring reports; providing for the termination of the transition team; authorizing the transition team to use unexpended funds to settle certain claims; requiring the transition team to approve certain personnel hirings and transfers; requiring the submission of a budget amendment to allocate resources of the Department of Labor and Employment Security; exempting specified state agencies, on a temporary basis, from provisions relating to procurement of property and services and leasing of space; authorizing specified state agencies to develop temporary emergency rules relating to the implementation of this act; requiring the Department of Revenue to notify businesses relating to the transfer of unemployment compensation tax responsibilities; amending s. 287.012, F.S.; revising a definition to conform to the transfer of the Minority Business Advocacy and Assistance Office to the Department of Management Services; amending s. 287.0947, F.S.; providing for the Florida Advisory Council on Small and Minority Business Development to be created within the Department of Management Services; amending s. 287.09451, F.S.; reassigning the Minority Business Advocacy and Assistance Office to the Department of Management Services; conforming provisions; amending s. 20.15, F.S.; establishing the Division of Occupational Access and Opportunity within the Department of Education; providing that the Occupational Access and Opportunity Commission is the director of the division; requiring the department to assign certain powers, duties, responsibilities, and functions to the division; excepting from appointment by the Commissioner of Education members of the commission, the Florida Rehabilitation Council, and the Florida Independent Living Council; amending s. 120.80, F.S.; providing that hearings on certain vocational rehabilitation determinations by the Occupational Access and Opportunity Commission need not be conducted by an administrative law judge; amending s. 413.011, F.S.; revising the internal organizational structure of the Division of Blind Services; requiring the division to implement the provisions of a 5-year plan; requiring the division to contract with community-based rehabilitation providers for the delivery of certain services; revising references to blind persons; requiring the Division of Blind Services to issue recommendations to the Legislature on a method of privatizing the Business Enterprise Program; providing definitions for the terms "community-based rehabilitation provider," "council," "plan," and "state plan"; renaming the Advisory Council for the Blind; revising the membership and functions of the council to be consistent with federal law; requiring the council to prepare a 5–year strategic plan; requiring the council to coordinate with specified entities; deleting provisions providing for the Governor to resolve funding disagreements between the division and the council; directing that meetings be held in locations accessible to individuals with disabilities; amending s. 413.014, F.S.; requiring the Division of Blind Services to report on use of community–based providers to deliver services; amending s. 413.034, F.S.; revising the membership of the Commission for Purchase from the Blind or Other Severely Handicapped to conform to transfer of the Division of Blind Services and renaming of the Division of Vocational Rehabilitation; amending ss. 413.051, 413.064, 413.066, 413.067, 413.345, F.S.; conforming departmental references to reflect the transfer of the Division of Blind Services to the Department of Management Services; expressing the intent of the Legislature that the provisions of this act relating to blind services not conflict with federal law; providing procedures in the event such conflict is asserted; amending s. 413.82, F.S.; providing definitions for the terms "community rehabilitation provider," "plan," and "state plan"; conforming references; amending s. 413.83, F.S.; specifying that appointment of members to the commission is subject to Senate confirmation; revising composition of and appointments to the commission; eliminating a requirement that the Rehabilitation Council serve the commission; authorizing the commission to establish an advisory council composed of representatives from not–for–profit organizations under certain conditions; clarifying the entitlement of commission members to reimbursement for certain expenses; amending s. 413.84, F.S.; designating the commission as the director of the Division of Occupational Access and Opportunity; specifying responsibilities of the commission; authorizing the commission to make administrative rules; authorizing the commission to hire a division director; revising time for implementation of the 5-year plan prepared by the commission; expanding the authority of the commission to contract with the corporation; removing a requirement for federal approval to contract with a direct-support organization; authorizing the commission to appear on its own behalf before the Legislature; amending s. 413.85, F.S.; eliminating limitations on the tax status of the Occupational Access and Opportunity Corporation; specifying that the corporation is not an agency for purposes of certain government procurement laws; applying provisions relating to waiver of sovereign immunity to the corporation; providing that the board of directors of the corporation be composed of no fewer than seven and no more than 15 members and that a majority of its members be members of the commission; authorizing the corporation to hire certain individuals employed by the Division of Vocational Rehabilitation; providing for a lease agreement governing such employees; prescribing terms of such lease agreement; amending s. 413.86, F.S.; conforming an organizational reference; creating s. 413.865, F.S.; requiring coordination between vocational rehabilitation and other workforce activities; requiring development of performance measurement methodologies; amending s. 413.87, F.S.; conforming provision to changes made in the act; amending s. 413.88, F.S.; conforming provision to changes made in the act; amending s. 413.89, F.S.; designating the department the state agency effective July 1, 2000, and the commission the state agency effective October 1, 2000, for purposes of federal law; deleting an obsolete reference; authorizing the department and the commission to provide for continued administration during the time between July 1, 2000, and October 1, 2000; amending s. 413.90, F.S.; deleting provision relating to designation of an administrative entity; designating a state agency and state unit for specified purposes; transferring certain components of the Division of Vocational Rehabilitation to the Department of Education; requiring a reduction in positions; providing for a budget amendment; providing for a transfer of certain administrative resources of the Department of Labor and Employment Security to the Department of Education; amending s. 413.91, F.S.; deleting reference to designated administrative entity; requiring the commission to assure that all contractors maintain quality control and are fit to undertake responsibilities; amending s. 413.92, F.S.; specifying entities answerable to the Federal Government in the event of a conflict with federal law; repealing s. 413.93, F.S., relating to the designated state agency under federal law; amending s. 440.02, F.S.; conforming the definitions of "department" and "division" to the transfer of the Division of Workers' Compensation to the Department of Insurance; amending s. 440.207, F.S.; conforming a departmental reference; amending s. 440.385, F.S.; deleting obsolete provisions; conforming departmental references relating to the Florida Self–Insurance Guaranty Association, Inc.; amending s. 440.44, F.S.; conforming provisions; amending s. 440.4416, F.S.; reassigning the Workers' Compensation Oversight Board to the Department of Insurance; amending s. 440.45, F.S.; reassigning the Office of the Judges of Compensation Claims to the Department of Insurance; amending s. 440.49, F.S.; reassigning responsibility for a report on the Special Disability Trust Fund to the Department of Insurance; amending s. 443.012, F.S.; providing for the Unemployment Appeals Commission to be created within the Department of Management Services rather than the Department of Labor and Employment Security; conforming provisions; providing for the transfer of the Unemployment Appeals Commission to the Department of Management Services by a type two transfer; amending s. 443.036, F.S.; conforming the definition of "commission" to the transfer of the Unemployment Appeals Commission to the Department of Management Services; conforming the definition of "division" to the transfer of the Division of Unemployment Compensation to the Department of Revenue; amending s. 443.151, F.S.; providing for unemployment compensation appeals referees to be appointed by the Unemployment Appeals Commission; requiring the Department of Management Services to provide facilities to the appeals referees and the commission; requiring the Division of Unemployment Compensation to post certain notices in one–stop career centers; amending s. 443.171, F.S.; conforming duties of the Division of Unemployment Compensation and appointment of the Unemployment Compensation Advisory Council to reflect program transfer to the Department of Revenue; conforming cross-references; amending s. 443.211, F.S.; conforming provisions; authorizing the Unemployment Appeals Commission to approve payments from the Employment Security Administration Trust Fund; providing for use of funds in the Special Employment Security Administration Trust Fund by the Unemployment Appeals Commission and the Agency for Workforce Innovation; amending ss. 447.02, 447.04, 447.041, 447.045, 447.06, 447.12, 447.16, F.S.; providing for part I of ch. 447, F.S., relating to the regulation of labor organizations, to be administered by the Department of Insurance; deleting references to the Division of Jobs and Benefits and the Department of Labor and Employment Security; amending s. 447.203, F.S.; clarifying the definition of professional employee; amending s. 447.205, F.S.; conforming provisions to reflect the transfer of the Public Employees Relations Commission to the Department of Management Services and deleting obsolete provisions; amending s. 447.208, F.S.; clarifying the procedure for appeals, charges, and petitions; amending s. 447.305, F.S., relating to the registration of employee organizations; providing for the Public Employees Relations Commission to share registration information with the Department of Insurance; amending s. 447.307, F.S.; authorizing the commission to modify existing bargaining units; amending s. 447.503, F.S.; specifying procedures when a party fails to appear

for a hearing; amending s. 447.504, F.S.; authorizing the commission to stay certain procedures; providing for the transfer of the commission to the Department of Management Services by a type two transfer; amending ss. 450.012, 450.061, 450.081, 450.095, 450.121, 450.132, 450.141, F.S.; providing for part I of ch. 450, F.S., relating to child labor, to be administered by the Department of Insurance; deleting references to the Division of Jobs and Benefits and the Department of Labor and Employment Security; amending s. 450.191, F.S., relating to the duties of the Executive Office of the Governor with respect to migrant labor; conforming provisions to changes made by the act; amending ss. 450.28, 450.30, 450.31, 450.33, 450.35, 450.36, 450.37, 450.38, F.S., relating to farm labor registration; providing for part III of ch. 450, F.S., to be administered by the Department of Insurance; deleting references to the Division of Jobs and Benefits and the Department of Labor and Employment Security; requiring the Department of Revenue to report on disbursement and cost-allocation of unemployment compensation funds; requiring the Department of Revenue to conduct a feasibility study on privatization of unemployment compensation activities; authorizing the Department of Labor and Employment Security to offer a voluntary reduction–in–force payment to certain employees; requiring a plan to meet specified criteria; providing for legislative review; providing for the continuation of contracts or agreements of the Department of Labor and Employment Security; providing for a successor department, agency, or entity to be substituted for the Department of Labor and Employment Security as a party in interest in pending proceedings; providing for severability; providing a conditional effective date.

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By the Committees on Fiscal Resource, Regulated Industries, Fiscal Resource and Senator Horne—

**CS for CS for CS for SB 1338**—A bill to be entitled An act relating to communications services; creating ch. 202, F.S., the Communications Services Tax Simplification Law; providing definitions; providing for taxation of the sale of communications services, effective January 1, 2002; providing for imposition of the tax on the sales price of communications services, the cost of operating a substitute communications system, and the sales price of direct-to-home satellite service; providing for computation of tax rates by the Revenue Estimating Conference and for approval by the Legislature; providing for collection and remittance of the taxes on communications services imposed by chapters 202 and 203, F.S., on a combined basis; providing a limitation on such taxes on certain interstate communications services; requiring the purchaser to obtain a direct-pay permit; providing exemptions for certain sales to residential households, to governmental entities, and to certain religious or educational organizations; providing legislative intent with respect to future findings of invalidity, exemptions, and local government franchise fees; providing for credits for taxes paid in other jurisdictions; providing special provisions for users of substitute communications systems; providing for payment and collection of the taxes on communications; providing for sales for resale; providing requirements for registration of dealers of communications services; providing penalties; providing for fees; providing for annual resale certificates; providing procedures for revocation of registration; providing for disposition of the proceeds of the taxes on communications services; authorizing counties and municipalities to levy a discretionary local communications services tax; providing intent regarding tax rates; providing for imposition of a discretionary sales surtax levied by a county or school board under s. 212.055, F.S., as a local communications services tax; providing for application of local taxes to substitute communications systems; providing a limitation on local taxes on certain interstate communications services; requiring the purchaser to obtain a direct-pay permit; providing for use of tax revenues; providing for credit against local taxes for fees required under a franchise agreement; providing for computation by the Revenue Estimating Conference of the initial and maximum rates for local taxes and providing for approval by the Legislature; providing for effectiveness of the initial rates and for increase by emergency ordinance under certain conditions; requiring providers of communications services and local taxing jurisdictions to furnish information; providing for determination by the Revenue Estimating Conference of a rate conversion factor for counties and school boards that levy a discretionary sales surtax and providing for approval by the Legislature; providing for certain automatic rate reductions; providing for effective dates and notification with respect to adoption, repeal, or rate changes of local taxes; providing procedures and requirements for determination of the local taxing jurisdiction in which a service address is located; providing for creation of an electronic database by the Department of Revenue; providing for certification of databases by the department; providing effect on dealers who do not use the specified methods for such determination; providing procedures and requirements for refunds or credits of communications services taxes; specifying that the authority of public bodies to require taxes or other impositions from dealers of communications services for occupying roads and rights-of-way is preempted by the state; prohibiting public bodies from levying specified taxes and other charges; providing for jurisdiction for suits against dealers; providing for dealers not qualified to do business in this state; specifying powers of the department; providing for rules; providing requirements for the filing of returns and payment of taxes; providing penalties; providing for rules for self-accrual; providing for a dealer's credit; providing penalties for failure to file returns or for filing false or fraudulent returns; providing for credits or refunds for bad debts; requiring certain dealers to remit taxes by electronic funds transfer and make returns through an electronic data interchange; providing for payment of taxes upon sale or quitting of business; providing for notice to certain persons regarding a dealer's delinquency and providing such persons' duties; providing a penalty; providing for cooperation of state and local agencies; providing that taxes collected become government funds; providing penalties for the theft of government funds; providing department powers regarding warrants, tax executions, and writs of garnishment; providing recordkeeping requirements for dealers; providing a penalty; authorizing sampling by the department; providing for examination of records; providing for audits; providing for assessment of interest and penalties; providing powers of the department to assess from estimates; requiring that taxes be separately stated; prohibiting certain advertising or refunds by dealers; providing a penalty; providing department powers with respect to hearings, cash deposits or bonds, and subpoenas; providing for venue; providing special rules for the administration of local taxes; providing for an advisory committee to advise the executive director of the department regarding implementation of communications services taxes; amending s. 72.011, F.S.; authorizing taxpayers to contest assessments or denials of refund under ch. 202, F.S., in circuit court or pursuant to the Administrative Procedure Act; amending s. 213.05, F.S.; including ch. 202, F.S., within the revenue laws for which the department has responsibility; amending s. 212.20, F.S.; providing for distribution of portions of the communications services tax; amending s. 166.231, F.S.; providing that the exemption from the municipal public service tax for telecommunications services for resale includes resale by way of a prepaid calling arrangement; providing that taxes not collected thereon prior to July 1, 2000, need not be paid; repealing s. 166.231(9), F.S., which provides for levy of the municipal public service tax on telecommunication services, effective January 1, 2002; conforming language; amending s. 166.233, F.S.; conforming language; amending s. 203.01, F.S.; providing that the exemption from the gross receipts tax for telecommunication services for resale includes resale by way of a prepaid calling arrangement; providing for a gross receipts tax on communications services, effective January 1, 2002, to be applied pursuant to ch. 202, F.S.; providing for computation of the tax rate by the Revenue Estimating Conference and for approval by the Legislature; amending s. 203.012, F.S.; removing and revising definitions relating to the gross receipts tax, to conform; repealing s. 203.013, F.S., which provides for payment of the gross receipts tax on interstate private communications services, and ss. 203.60, 203.61, 203.62, and 203.63, F.S., which provide for payment of the gross receipts tax on other interstate and international telecommunication services, to conform; amending s. 212.05, F.S.; providing that the sale or recharge of a prepaid calling arrangement shall be treated as a sale of tangible personal property under ch. 212, F.S.; providing that the sale of telecommunication services to a person who furnishes such services pursuant to such an arrangement is a sale for resale; providing that taxes not collected thereon prior to July 1, 2000, need not be paid; removing the imposition of tax under ch. 212, F.S., on telecommunication service, telegraph messages, long distance telephone calls, and television system program service, effective January 1, 2002; amending s. 212.054, F.S.; providing that charges for prepaid calling arrangements are subject to discretionary sales surtaxes; conforming language; amending s. 337.401, F.S.; providing requirements with respect to the authority of counties and municipalities to regulate the placement of telecommunications facilities in the public roads or rights-of-way; requiring certain notice to the Secretary of State; revising such requirements, effective January 1, 2002, and providing for application to providers of communications services; requiring municipalities and charter counties and noncharter counties to choose whether or not to impose permit fees on such providers and providing requirements with respect to such fees; providing effect of such choice on the rate of the local communications services tax

under ch. 202, F.S., for the local government; providing that the authority of municipalities and counties to require franchise fees from such providers is preempted by the state; authorizing municipalities and counties to request certain in-kind requirements, institutional networks, and contributions from cable service providers; providing for a legislative study with respect to state policy regarding such in-kind requirements and contributions; amending s. 212.031, F.S.; revising the exemption from the tax on the lease or rental of or license in real property for streets or rights-of-way and improvements located thereon used by a utility or cable television company; including such exemption within provisions relating to leases involving multiple use of property; providing status of revenues received under the act with respect to taxes or fees previously imposed and bonded indebtedness; providing appropriations and authorizing positions; repealing the following, effective June 30, 2001: ss. 202.10, 202.11, 202.20, 202.26, and 202.37, F.S., and ss. 3-11, 13-17, and 19-28 of the act, which constitute the creation of ch. 202, F.S., effective January 1, 2002, to provide for the taxation of the sale of communications services; ss. 33-35 of the act, which amend ss. 72.011, 213.05, and 212.20, F.S., to provide related administrative provisions effective January 1, 2002; ss. 38 and 39 of the act, which repeal s. 166.231(9), F.S., and amend ss. 166.231 and 166.233, F.S., to remove levy of the municipal public service tax on telecommunication services effective January 1, 2002; ss. 41-43 of the act, which amend ss. 203.01 and 203.012, F.S., and repeal ss. 203.013 and 203.60-203.63, F.S., to provide for a gross receipts tax on communications services, effective January 1, 2002, to be applied pursuant to ch. 202, F.S.; ss. 48 and 49 of the act, which amend ss. 212.05 and 212.054, F.S., to remove the imposition of tax under ch. 212, F.S., on telecommunication service effective January 1, 2002; s. 51 of the act, which amends s. 337.401, F.S., relating to the authority of counties and municipalities to regulate the placement of telecommunications facilities in roads and rights-of-way and to impose permit fees and franchise fees, effective January 1, 2002; and ss. 54 and 55 of the act, which provide for application of amendments made by the act; abolishing, on June 30, 2001, an advisory committee appointed pursuant to the act; amending s. 337.401, F.S., effective June 30, 2001, to remove amendments made by the act which take effect January 1, 2001; providing effective dates.

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By the Committee on Judiciary and Senators Jones and Meek—

**CS for SJR 1344**—A joint resolution proposing the creation of Section 26 of Article I of the State Constitution relating to prohibiting discrimination in public employment, public education, and public procurement of goods and services.

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By the Committee on Governmental Oversight and Productivity—

**CS for SB 1352**—A bill to be entitled An act relating to retirement; amending s. 121.021, F.S.; redefining the terms "system," "average final compensation," "normal retirement date," "System Trust Fund," "vested," and "vesting" and defining the terms "actuarial surplus," "stabilization surplus," and "available surplus" with respect to the Florida Retirement System; creating s. 121.36, F.S.; directing the State Board of Administration to establish an optional defined contribution retirement program for members of the Florida Retirement System; providing definitions; providing for eligibility and retirement service credit; providing for participation and enrollment; providing for contributions; providing vesting requirements; providing benefits; providing for administration; providing for investment options or products; providing for performance review; providing for an education component; providing participant information requirements; providing that advisory committees shall provide advice and assistance; providing for federal requirements; providing an investment policy statement; providing a statement of fiduciary standards and responsibilities; providing for disability benefits; providing for social security and health insurance subsidy coverage; creating s. 121.571, F.S.; providing for contributions; providing a statement of state purpose; providing future effect for certain provisions; amending s. 121.055, F.S.; increasing the number of personnel that may be designated as Senior Management Class by local governments; allowing senior management optional annuity program benefits to be distributed through a direct rollover; amending s. 112.363, F.S.; revising guidelines for determining eligibility for retiree health insurance subsidies; amending ss. 121.0515, 121.052, 121.053, 121.081, 121.091, 121.1115, 121.1122, 121.031, 121.121, F.S.; prescribing the method for calculating average final compensation; providing that members employed in a regularly established position shall be vested after 6 years of creditable service; providing that any terminated, inactive member must be actively employed in a covered position for 1 calendar year or more on or after the act's effective date to achieve vested status with 6 years of service; providing for employer contribution rate increases to each membership class; adding to the Special Risk Class of membership certain aerial firefighting surveillance positions; upgrading service credit for certain years for special risk members; providing for funding of changes to the definition of average final compensation from the assets of the Florida Retirement System Trust Fund in an amount and manner sufficient to maintain actuarial soundness; providing for employer contribution rate decreases to each membership class; providing for the development of a rate stabilization mechanism; providing for funding of the 1999 actuarial experience study from excess assets of the Florida Retirement System Trust Fund; providing for assignment and use of surplus; adding assistant state attorneys, assistant statewide prosecutors, and assistant public defenders to the Senior Management Service Class of the system; providing an appropriation; providing effective dates.

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By the Committees on Fiscal Resource; Comprehensive Planning, Local and Military Affairs; and Senators Mitchell and Lee—

**CS for CS for SB 1394**—A bill to be entitled An act relating to discretionary sales surtaxes; amending s. 212.055, F.S.; expanding the authorized use of the indigent care surtax to include trauma centers; renaming the surtax; requiring the plan set out in the ordinance to include additional provisions concerning Level I trauma centers; providing requirements for annual disbursements to hospitals on October 1 to be in recognition of the Level I trauma status and to be in addition to a base contract amount plus any negotiated additions to indigent care funding; authorizing funds received to be used to generate federal matching funds under certain conditions and authorizing payment by the clerk of the courts; authorizing certain counties to levy a voter-approved indigent care surtax; providing for the surtax to be conditioned upon approval by a majority vote of the electors; limiting the rate of the surtax; providing requirements for the ordinance adopted by the governing body of the county which imposes the surtax; providing for proceeds of the surtax to be used to provide health care services to qualified residents; defining the term "qualified resident"; providing for the administration of proceeds collected pursuant to the surtax; limiting the total amount of certain local option sales surtaxes that may be imposed by a county; authorizing certain school districts to levy additional discretionary millage; providing an effective date.

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By the Committees on Fiscal Policy; Comprehensive Planning, Local and Military Affairs; Natural Resources; and Senator Latvala—

**CS for CS for CS for SB 1406**—A bill to be entitled An act relating to state regulation of lands; amending s. 190.012, F.S.; authorizing community development districts to fund certain environmental costs under certain circumstances; amending s. 197.432, F.S.; conforming statutory cross-references; amending s. 197.502, F.S.; authorizing local governments to file tax deed applications in a specified manner; amending s. 197.522, F.S.; conforming a statutory cross-reference; amending s. 199.1055, F.S.; broadening the contaminated site rehabilitation tax credit against the intangible personal property tax to include in the preapproved advanced cleanup program petroleum-contaminated sites and other contaminated sites at which cleanup is undertaken pursuant to a voluntary rehabilitation agreement with the Department of Environmental Protection under certain circumstances; amending s. 212.08, F.S.; providing an exemption from the sales and use tax for building materials used in the rehabilitation of real property located in a designated brownfield area; providing an exemption from the sales and use tax for business property purchased for use by businesses located in a designated brownfield area; amending s. 212.096, F.S.; providing for a brownfield area jobs credit against the sales and use tax; amending s. 212.20, F.S.; providing for distribution of funds; amending s. 220.181, F.S.; providing for a designated brownfield area jobs credit against the corporate income tax; amending s. 220.182, F.S.; providing for a designated brownfield area property tax credit against the corporate income tax; amending s. 220.183, F.S.; providing a partial credit against the corporate income tax for community contributions that benefit designated brownfield areas; amending s. 220.1845, F.S.; broadening the

contaminated site rehabilitation tax credit against the corporate income tax to include in the preapproved advanced cleanup program petroleum-contaminated sites and other contaminated sites at which cleanup is undertaken pursuant to a voluntary rehabilitation agreement with the Department of Environmental Protection under certain circumstances; amending s. 252.87, F.S.; revising reporting requirements under the Hazardous Materials Emergency Response and Community Right-to-Know Act; amending s. 288.047, F.S.; requiring Enterprise Florida, Inc., to set aside each fiscal year a certain amount of the appropriation for the Quick Response Training Program for businesses located in a brownfield area; amending s. 288.107, F.S.; redefining the term "eligible business"; providing for bonus refunds for businesses that can demonstrate a fixed capital investment in certain mixed use activities in the brownfield area; amending s. 288.905, F.S.; requiring Enterprise Florida, Inc., to develop comprehensive marketing strategies for redevelopment of brownfield areas; amending s. 290.007, F.S.; providing for state incentives in designated brownfield areas; amending s. 376.301, F.S.; redefining the terms "antagonistic effects," "discharge," "institutional controls," and "site rehabilitation"; creating s. 376.30701, F.S.; extending application of risk-based corrective action principles to all contaminated sites resulting from a discharge of pollutants or hazardous substances; providing for contamination cleanup criteria that incorporates risk-based corrective actions to be adopted by rule; providing clarification that cleanup criteria do not apply to offsite relocation or treatment; providing the conditions under which further rehabilitation may be required; creating s. 376.30702, F.S.; creating the Florida State-Owned-Lands Cleanup Program; providing intent; directing the Department of Environmental Protection to use existing site priority ranking and cleanup criteria; establishing limited liability protection; amending s. 376.3078, F.S.; providing for rehabilitation criteria; amending s. 376.30781, F.S.; broadening the partial tax credits for the rehabilitation of certain contaminated sites; clarifying provisions regarding the filing for the tax credits; amending s. 376.79, F.S.; defining the terms "contaminant" and "risk reduction"; redefining the terms "natural attenuation," "institutional control," and "source removal"; amending s. 376.80, F.S.; allowing local governments or persons responsible for brownfield area rehabilitation and redevelopment to use an existing advisory committee; deleting the requirement that the advisory committee must review and provide recommendations to the local government with jurisdiction on the proposed brownfield site rehabilitation agreement; providing that the person responsible for site rehabilitation must notify the advisory committee of the intent to rehabilitate and redevelop the site before executing the brownfield site rehabilitation agreement; requiring the person responsible for site rehabilitation to hold a meeting or attend a regularly scheduled meeting of the advisory committee to inform the advisory committee of the outcome of the environmental assessment; requiring the person responsible for site rehabilitation to enter into a brownfield site rehabilitation agreement only if actual contamination exists; clarifying provisions relating to the required comprehensive general liability and comprehensive automobile liability insurance; amending s. 376.81, F.S.; providing direction regarding the risk-based corrective action rule; requiring the department to establish alternative cleanup levels under certain circumstances; amending s. 376.82, F.S.; providing immunity for liability regarding contaminated site remediation under certain circumstances; amending s. 376.84, F.S.; authorizing entities approved by the local government for the purpose of redeveloping brownfield areas to use tax increment financing; amending s. 376.86, F.S.; increasing the limits of the state loan guaranty in brownfield areas; creating s. 376.876, F.S.; providing for a Brownfield Redevelopment Grants Program in the Department of Environmental Protection; specifying the uses of grant funds; requiring matching funds; authorizing the department to adopt rules; providing for interim application requirements; creating s. 376.88, F.S.; providing for the Brownfield Program Review Advisory Council; providing duties and responsibilities; amending s. 403.973, F.S.; providing that projects located in a designated brownfield area are eligible for the expedited permitting process; amending ss. 712.01, 712.03, F.S.; prohibiting subsequent property owners from removing certain deed restrictions under other provisions of the Marketable Record Title Act; providing for implementation to the extent funds are appropriated; repealing s. 211.3103(9), F.S.; deleting requirements for a county that accepts real property of mined or reclaimed land from phosphate mining companies to forfeit a portion of its share of severance tax equal to the value of property donated; providing an effective date.

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

**CS for CS for SB 1450**—A bill to be entitled An act relating to financing for private not-for-profit institutions of higher education; providing findings and declarations; creating the Higher Educational Facilities Financing Authority; providing for its powers; providing for criteria for and covenants relating to the authorization of the issuance of notes and revenue bonds not obligating the full faith and credit of the authority, any municipality, the state, or any political subdivision thereof; providing for loans from revenue bonds to participating institutions; requiring bond-validation proceedings; providing for trust funds and remedies of bondholders; providing for a tax exemption; providing for agreement of the state; providing other powers and authorities incident thereto; requiring reports and audits; amending s. 196.012, F.S.; providing that institutions funded by this act are educational institutions for purposes of state taxation; providing an effective date.

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By the Committee on Fiscal Resource and Senator King—

**CS for SB 1458**—A bill to be entitled An act relating to tax on sales, use, and other transactions; providing legislative intent; amending s. 212.08, F.S.; revising the amount of the exemption for industrial machinery and equipment used in an expanding business; providing for application of the exemption for repair and labor charges for industrial machinery and equipment to machinery and equipment used to prepare tangible personal property for shipment; providing for such exemption to apply to additional industries; providing for a refund of certain taxes paid; providing an effective date.

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By the Committees on Fiscal Policy; Health, Aging and Long-Term Care; Banking and Insurance; and Senators Brown-Waite, Laurent and Saunders—

**CS for CS for CS for SB 1508 and CS for SB's 706 and 2234**—A bill to be entitled An act relating to managed care organizations; amending s. 641.315, F.S.; deleting provisions relating to provider billings; revising provisions relating to provider contracts; requiring a health maintenance organization to make certain disclosures to a provider; providing procedures for requesting and granting authorization for utilization of services; creating s. 641.3154, F.S.; providing that a health maintenance organization is liable for payment for services rendered to subscribers; prohibiting a provider from billing a subscriber under specified circumstances; requiring a health maintenance organization and the Department of Insurance to report violations to the Department of Health or the Agency for Health Care Administration; amending s. 641.3155, F.S.; defining the term "clean claim"; specifying the basis for determining when a claim is to be considered clean or not clean; requiring the Department of Insurance to adopt rules to establish a claim form; providing requirements; authorizing the Department of Insurance to adopt rules for coding standards; providing requirements for paying clean claims; providing requirements for denying or contesting a portion of a claim; providing for interest accrual and payment of interest; providing an uncontestable obligation to pay a claim; requiring a health maintenance organization to make a claim for overpayment; prohibiting an organization from reducing payment for other services; providing exceptions; requiring a provider to pay a claim for overpayment within a specified time; providing a procedure and timeframes for a provider to notify a health maintenance organization that it is denying or contesting a claim for overpayment; specifying when a provider payment of a claim for overpayment is to be considered made; providing for assessment of simple interest against overdue payment of a claim; specifying when interest on overdue payments of claims for overpayment begins to accrue; specifying a timeframe for a provider to deny or contest a claim for overpayment; providing an uncontestable obligation to pay a claim; specifying when a provider claim that is electronically transmitted or mailed is considered received; specifying when a health maintenance organization claim for overpayment is considered received; mandating acknowledgment of receipts for electronically submitted provider claims; prescribing a timeframe for a health maintenance organization to retroactively deny a claim for services provided to an ineligible subscriber; creating s. 641.3156, F.S.; providing for treatment authorization and payment of claims by a health maintenance organization; clarifying that treatment authorization and payment of a claim for emergency services

is subject to specified provisions of law; amending s. 641.3903, F.S.; providing that downcoding with intent to deny reimbursement by a health maintenance organization is an unfair method of competition and an unfair or deceptive act or practice; amending s. 641.3909, F.S.; authorizing the Department of Insurance to issue a cease and desist order for a violation of s. 641.3155, F.S., relating to payment of claims; amending s. 641.495, F.S.; revising provisions relating to treatment-authorization capabilities; requiring agreement to pending authorizations and tracking numbers as a precondition to such an authorization; creating s. 408.7057, F.S.; providing for the establishment of a statewide claim-dispute-resolution program for providers and managed care organizations; providing rulemaking authority to the Agency for Health Care Administration; amending s. 395.1065, F.S., relating to criminal and administrative penalties for health care providers; authorizing administrative sanctions against a hospital's license for improper subscriber billing and violations of requirements relating to claims payment; amending s. 631.818, F.S., relating to the health maintenance organization consumer assistance plan; conforming provisions to changes made by the act; amending s. 817.234, F.S.; providing that certain actions by a provider are punishable under s. 641.52, F.S., in addition to any other provision of law; amending s. 817.50, F.S., relating to fraud against hospitals; expanding applicability to health care providers; amending s. 641.31, F.S., relating to health maintenance contracts; conforming a cross-reference to changes made by the act; providing applicability; providing an appropriation; providing an effective date.

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By the Committee on Fiscal Resource and Senators Sullivan, Webster, Saunders, Bronson and Kurth—

**CS for SB 1604**—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; revising an exemption from taxation for machinery and equipment used in silicon-technology production and research and development; making the exemption applicable to semiconductor-technology production and research and development; providing an exemption from taxation for building materials purchased for use in manufacturing or expanding clean rooms for semiconductor-manufacturing facilities; revising definitions; revising criteria and procedures; providing a partial exemption for machinery and equipment for use in defense and space technology research and development and production; providing definitions; providing an effective date.

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By the Committees on Fiscal Policy; Comprehensive Planning, Local and Military Affairs; and Senators Latvala, Laurent, Myers, Kurth, Sullivan and Carlton—

**CS for CS for SB 1708**—A bill to be entitled An act relating to spring training facilities; amending s. 212.20, F.S.; providing for the distribution of specified sales tax proceeds for professional sports facilities; amending s. 288.1162, F.S.; redefining the term "new spring training franchise"; directing the Department of Tourism, Trade, and Economic Development to provide funding for a limited number of facilities for retained spring training franchises; providing criteria for setting priorities; providing an effective date.

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By the Committees on Fiscal Resource, Natural Resources and Senator Latvala—

**CS for CS for SB 1710**—A bill to be entitled An act relating to land acquisition; amending s. 201.15, F.S.; providing for changes to bond debt service; amending s. 201.15, F.S.; providing for changes to bond debt service; revising the deposit of certain funds and providing limitations, effective July 1, 2001; amending s. 215.618, F.S.; providing for the refunding and sale of Florida Forever bonds; amending s. 253.03, F.S.; providing for the permitting of certain habitable structures; amending s. 253.034, F.S.; clarifying provisions governing the deposit of funds received from the sale of surplus lands; exempting the Departments of Juvenile Justice and Children and Family Services from a requirement for land-management-plan review; requiring the adoption of rules; revising management planning requirements; providing procedures for determining the value of certain lands; amending s. 259.03, F.S.; redefining the terms "capital improvement" and "water resource development project"; providing a limitation on capital project expenditures; amending s. 259.032, F.S.; revising the payments-in-lieu-of-taxes program; amending s. 259.0345, F.S.; deleting obsolete provisions; revising the terms of Florida Forever Advisory Council members; clarifying the duties of the Florida Forever Advisory Council; amending s. 259.035, F.S.; authorizing the Acquisition and Restoration Council to use specified rules; revising procedures; amending s. 259.101, F.S.; authorizing the Board of Trustees of the Internal Improvement Trust Fund to hold title to specified lands; requiring the monitoring of easements and agreements; deleting provisions requiring the redistribution of specified funds; deleting a repeal of Preservation 2000 bond allocations; amending s. 259.105, F.S.; requiring the redistribution of funds in specified circumstances; requiring a specific percentage of the Florida Communities Trust's Florida Forever funds to be expended in standard metropolitan statistical areas; revising a date for acceptance of acquisition applications; authorizing capital expenditures; revising the goals of the Florida Forever program; requiring the recommendation of rules to the board of trustees; revising the distribution of funds; amending s. 260.018, F.S.; correcting an error; amending s. 373.139, F.S.; requiring a public hearing and notification to the county of proposed purchases; amending s. 373.1391, F.S.; providing for the resolution of certain disputes; amending s. 373.199, F.S.; revising the date for submission of a report and the content of the report; amending s. 373.59, F.S.; revising payments-in-lieu-of-taxes requirements; authorizing the refunding of bonds; amending s. 375.051, F.S.; revising requirements for debt service for bonds issued to acquire lands, water areas, and related resources; amending s. 375.075, F.S.; revising the funding plan for recreational development; amending s. 380.507, F.S.; revising the uses of Florida Forever funds; amending s. 380.510, F.S.; revising the uses of Florida Forever funds; repealing s. 211.3103(9), F.S., relating to the severance tax on phosphate; providing effective dates.

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By the Committees on Fiscal Policy, Education and Senator Kirkpatrick—

**CS for CS for SB 1888**—A bill to be entitled An act relating to student financial aid; amending s. 231.621, F.S.; deleting the requirement that repayment of a Critical Teacher Shortage Student Loan be made directly to the holder of the loan; amending s. 240.40201, F.S.; revising general student eligibility requirements for the Florida Bright Futures Scholarship; amending s. 240.40202, F.S.; revising student eligibility provisions for initial award of a Florida Bright Futures Scholarship; amending s. 240.40203, F.S.; providing for renewal, reinstatement, and restoration of an award; amending s. 240.40204, F.S.; revising accreditation requirements for postsecondary education institution participation in the Florida Bright Futures Scholarship Program; amending s. 240.40205, F.S., relating to the Florida Academic Scholars award; requiring the Department of Education to define matriculation and fees for purposes of the award; clarifying provisions relating to renewal and reinstatement of an award; revising the amount awarded to the Florida Academic Scholar with the highest academic ranking; amending s. 240.40206, F.S., relating to the Florida Merit Scholars award; authorizing the participation of students who have been recognized by the merit or achievement programs of the National Merit Scholarship Corporation as a scholar or finalist, but have not completed a program of community service; requiring the Department of Education to define matriculation and fees for purposes of the award; clarifying provisions relating to renewal and reinstatement of an award; providing a cross-reference; amending s. 240.40207, F.S., relating to the Florida Gold Seal Vocational Scholars award; revising student eligibility requirements; requiring the Department of Education to define matriculation and fees for purposes of the award; clarifying provisions relating to renewal and restoration of an award; limiting the use of a Florida Gold Seal Vocational Scholars award at an institution that grants baccalaureate degrees; revising provisions relating to transfer to the Florida Merit Scholars award program; providing for determination of the credit hour limitation; amending s. 240.40209, F.S., relating to the calculation of awards of Bright Futures Scholarship recipients attending nonpublic institutions; requiring the Department of Education to define matriculation and fees for purposes of the award; amending s. 240.404, F.S., relating to general requirements for student eligibility for state financial aid; revising accreditation requirements for postsecondary education institution participation; requiring that to remain eligible, a student not have a break in enrollment greater than 12 months; amending s. 240.4064, F.S., relating to the critical teacher shortage tuition reimbursement program; increasing the rate of tuition reimbursement; amending s.

240.412, F.S., relating to the Jose Marti Scholarship Challenge Grant Program; revising accreditation requirements for postsecondary education institution participation; deleting the requirement that an applicant who applies as a graduate student have earned a 3.0 cumulative grade point average for undergraduate college-level courses; deleting a limitation on the number of semesters or quarters a graduate student may receive the award; amending s. 240.413, F.S., relating to the Seminole and Miccosukee Indian Scholarships; revising accreditation requirements for postsecondary education institution participation; amending s. 240.437, F.S., relating to student financial aid planning and development; deleting obsolete provisions; clarifying provisions relating to the repeal of unfunded financial assistance programs; repealing s. 240.465(5), F.S., which prohibits an individual borrower who is in default in making student financial assistance repayments from being furnished with his or her academic transcripts or other student records until such time as the loan is paid in full or the default status has been removed; amending s. 240.472, F.S.; revising the definition of the term "institution" to reflect revised accreditation requirements; amending s. 295.01, F.S., relating to the education of children of deceased or disabled veterans; clarifying student eligibility requirements; amending s. 295.02, F.S., relating to use of funds for the education of children of deceased or disabled veterans; requiring the Department of Education to define tuition and registration fees for purposes of award of funds; clarifying student eligibility requirements; providing for the award of funds for attendance at an eligible nonpublic postsecondary institution; authorizing rules of the State Board of Education; repealing s. 228.502, F.S., relating to the Education Success Incentive Program, s. 240.40242, F.S., relating to use of certain scholarship funds by children of deceased or disabled veterans, and s. 240.6055, F.S., relating to access grants for community college graduates; amending s. 246.041, F.S., relating to the powers and duties of the State Board of Independent Colleges and Universities; removing an obsolete cross-reference; amending s. 240.409, F.S.; deleting the requirement that a student attend full-time to be eligible for a state student assistance grant; requiring the student to enroll in at least 6 semester hours, or the equivalent, per semester; limiting grant awards to students with lowest total family resources; creating s. 240.40995, F.S.; providing priority for awarding student assistance grants; amending s. 240.4095, F.S.; deleting the requirement that a student attend full-time to be eligible for a Florida private student assistance grant; requiring a student to enroll in at least 6 semester hours, or the equivalent, per semester; limiting eligibility for postsecondary student assistance grants to students with the lowest total resources; amending s. 240.4097, F.S.; deleting the requirement that a student attend full-time to be eligible for a Florida postsecondary student assistance grant; requiring a student to enroll in at least 6 semester hours, or the equivalent, per semester; limiting the eligibility for postsecondary student assistance grants to students with the lowest total family resources; amending s. 240.404, F.S.; revising the maximum amount of time an undergraduate student can receive financial aid; directing the Division of Statutory Revision to prepare a reviser's bill; providing an effective date.

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By the Committees on Fiscal Resource; Governmental Oversight and Productivity; and Senator Horne—

**CS for CS for SB 1998**—A bill to be entitled An act relating to state revenue; amending s. 215.5601, F.S.; defining the term "participating manufacturer"; revising legislative intent; specifying procedures by which a tobacco manufacturer may become a participating manufacturer; providing for signatories to a specified settlement agreement to be participating manufacturers; providing for funds received from participating manufacturers to be deposited into the Tobacco Settlement Clearing Trust Fund; providing for a portion of unappropriated funds to be deposited into the Lawton Chiles Endowment Fund; amending s. 210.02, F.S.; imposing a surtax on cigarettes not manufactured by a participating manufacturer, as defined by the act; providing for calculating the amount of the surtax; amending s. 210.20, F.S.; providing for the deposit of proceeds of the surtax; creating s. 215.5603, F.S.; creating the Tobacco Settlement Financing Corporation; defining terms; providing membership, powers, duties, and functions of the corporation; providing for the purchase of insurance and for the issuance of bonds; providing powers of the Department of Banking and Finance with respect to the corporation; providing for severability; providing an effective date.

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By the Committee on Judiciary and Senator King—

**CS for SB 2004**—A bill to be entitled An act relating to district courts of appeal; amending s. 35.01, F.S.; specifying minimum membership of district courts of appeal; providing construction and application; providing criteria for selecting judges to fill vacancies; requesting district courts of appeal judicial nominating commissions to adopt uniform rules of procedure; providing an effective date.

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By the Committee on Governmental Oversight and Productivity; and Senator Kirkpatrick—

**CS for SB 2076**—A bill to be entitled An act relating to the Office of Tourism, Trade, and Economic Development; amending s. 14.2015, F.S.; revising provisions relating to the duty of the office to serve as contract administrator for the state in contracts with Enterprise Florida, Inc., the Florida Commission on Tourism, and the direct-support organization created to promote the sports industry; providing for assets held in trust by the contracted party upon dissolution of the contracted party or termination of the contract to be reverted to the state for use by the office; amending s. 288.1224, F.S.; revising provisions relating to the Florida Commission on Tourism's contract with the Florida Tourism Industry Marketing Corporation; providing for assets held in trust by the corporation upon dissolution of the corporation or termination of the contract to be reverted to the state for use by the office; providing an effective date.

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By the Committee on Governmental Oversight and Productivity; and Senator Latvala—

**CS for SB 2152**—A bill to be entitled An act relating to health insurance; amending s. 216.136, F.S.; creating the Mandated Health Insurance Benefits and Providers Estimating Conference; providing for membership and duties of the conference; providing duties of legislative committees that have jurisdiction over health insurance matters; amending s. 624.215, F.S.; providing that certain legislative proposals must be submitted to and assessed by the conference, rather than the Agency for Health Care Administration; amending guidelines for assessing the impact of a proposal to legislatively mandate certain health coverage; providing prerequisites to legislative consideration of such proposals; providing an effective date.

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By the Committees on Fiscal Policy; Health, Aging and Long-Term Care; Banking and Insurance; and Senators Latvala, Brown-Waite, Silver, Geller, Campbell, Kurth, Mitchell, Dawson and Klein—

**CS for CS for CS for SB 2154, CS for SB 1900 and SB 282**—A bill to be entitled An act relating to health care; providing a short title; amending s. 395.701, F.S.; reducing an assessment against hospitals for outpatient services; amending s. 395.7015, F.S.; reducing an assessment against certain health care entities; amending s. 408.904, F.S.; increasing benefits for certain persons who receive hospital outpatient services; amending s. 408.905, F.S.; increasing benefits furnished by Medicaid providers to recipients of hospital outpatient services; amending s. 905.908, F.S.; increasing reimbursement to hospitals for outpatient care; amending s. 409.912, F.S.; providing for a contract with and reimbursement of an entity in Pasco or Pinellas County that provides in-home physician services to Medicaid recipients with degenerative neurological diseases; providing for future repeal; providing appropriations; amending s. 400.471, F.S.; deleting the certificate-of-need requirement for licensure of Medicare-certified home health agencies; amending s. 408.032, F.S.; adding definitions of "exemption" and "mental health services"; revising the term "health service"; deleting the definitions of "home health agency," "institutional health service," "intermediate care facility," "multifacility project," and "respite care"; amending s. 408.033, F.S.; deleting references to the state health plan; amending s. 408.034, F.S.; deleting a reference to licensing of home health agencies by the Agency for Health Care Administration; amending s. 408.035, F.S.; deleting obsolete certificate-of-need review criteria and revising other criteria; amending s. 408.036, F.S.; revising provisions relating to projects subject to review; deleting references to Medicare-certified home health agencies; deleting the review of certain acquisitions; specifying the types of bed increases subject to review; deleting cost overruns from review; deleting review of combinations or division of nursing home

certificates of need; providing for expedited review of certain conversions of licensed hospital beds; deleting the requirement for an exemption for initiation or expansion of obstetric services, provision of respite care services, establishment of a Medicare-certified home health agency, or provision of a health service exclusively on an outpatient basis; providing exemptions for combinations or divisions of nursing home certificates of need and additions of certain hospital beds and nursing home beds within specified limitations; requiring a fee for each request for exemption; amending s. 408.037, F.S.; deleting reference to the state health plan; amending ss. 408.038, 408.039, 408.044, and 408.045, F.S.; replacing "department" with "agency"; clarifying the opportunity to challenge an intended award of a certificate of need; amending s. 408.040, F.S.; deleting an obsolete reference; revising the format of conditions related to Medicaid; creating a certificate-of-need workgroup within the Agency for Health Care Administration; providing for expenses; providing membership, duties, and meetings; providing for termination; amending s. 651.118, F.S.; excluding a specified number of beds from a time limit imposed on extension of authorization for continuing care residential community providers to use sheltered beds for nonresidents; requiring a facility to report such use after the expiration of the extension; repealing s. 400.464(3), F.S., relating to home health agency licenses provided to certificate-of-need exempt entities; providing applicability; reducing the allocation of funds and positions from the Health Care Trust Fund in the Agency for Health Care Administration; amending s. 216.136, F.S.; creating the Mandated Health Insurance Benefits and Providers Estimating Conference; providing for membership and duties of the conference; providing duties of legislative committees that have jurisdiction over health insurance matters; amending s. 624.215, F.S.; providing that certain legislative proposals must be submitted to and assessed by the conference, rather than the Agency for Health Care Administration; amending guidelines for assessing the impact of a proposal to legislatively mandate certain health coverage; providing prerequisites to legislative consideration of such proposals; requiring physicians and hospitals to post a sign and provide a statement informing patients about the toll-free health care hotline; amending s. 408.7056, F.S.; providing additional definitions for the Statewide Provider and Subscriber Assistance Program; amending s. 627.654, F.S.; providing for insuring small employers under policies issued to small employer health alliances; providing requirements for participation; providing limitations; providing for insuring spouses and dependent children; allowing a single master policy to include alternative health plans; amending s. 627.6571, F.S.; including small employer health alliances within policy nonrenewal or discontinuance, coverage modification, and application provisions; amending s. 627.6699, F.S.; revising restrictions relating to premium rates to authorize small employer carriers to modify rates under certain circumstances and to authorize carriers to issue group health insurance policies to small employer health alliances under certain circumstances; requiring carriers issuing a policy to an alliance to allow appointed agents to sell such a policy; amending ss. 240.2995, 240.2996, 240.512, 381.0406, 395.3035, and 627.4301, F.S.; conforming cross-references; defining the term "managed care"; repealing ss. 408.70(3), 408.701, 408.702, 408.703, 408.704, 408.7041, 408.7042, 408.7045, 408.7055, and 408.706, F.S., relating to community health purchasing alliances; amending s. 627.6699, F.S.; modifying definitions; requiring small employer carriers to begin to offer and issue all small employer benefit plans on a specified date; deleting the requirement that basic and standard small employer health benefit plans be issued; providing additional requirements for determining premium rates for benefit plans; providing for applicability of the act to plans provided by small employer carriers that are insurers or health maintenance organizations notwithstanding the provisions of certain other specified statutes under specified conditions; amending s. 641.201, F.S.; clarifying applicability of the Florida Insurance Code to health maintenance organizations; amending s. 641.234, F.S.; providing conditions under which the Department of Insurance may order a health maintenance organization to cancel a contract; amending s. 641.27, F.S.; providing for payment by a health maintenance organization of fees to outside examiners appointed by the Department of Insurance; creating s. 641.226, F.S.; providing for application of federal solvency requirements to provider-sponsored organizations; creating s. 641.39, F.S.; prohibiting the solicitation or acceptance of contracts by insolvent or impaired health maintenance organizations; providing a criminal penalty; creating s. 641.2011, F.S.; providing that part IV of chapter 628, F.S., applies to health maintenance organizations; creating s. 641.275, F.S.; providing legislative intent that the rights of subscribers who are covered under health maintenance organization contracts be recognized and summarized; requiring health maintenance organizations to operate in conformity with such rights; requiring organizations to provide subscribers with a copy of their rights; listing specified requirements for organizations that are currently required by other statutes; authorizing administrative penalties for enforcing the rights specified in s. 641.275, F.S.; amending s. 641.28, F.S.; revising award of attorney's fees in civil actions under certain circumstances; amending s. 641.3917, F.S.; authorizing civil actions against health maintenance organizations by certain persons under certain circumstances; providing requirements and procedures; providing for liability for damages and attorney's fees; prohibiting punitive damages under certain circumstances; requiring the advance posting of discovery costs; amending s. 440.11, F.S.; establishing exclusive liability of health maintenance organizations; providing application; providing a legislative declaration; providing an appropriation; amending ss. 641.31, 641.315, 641.3155, F.S.; prohibiting a health maintenance organization from restricting a provider's ability to provide in-patient hospital services to a subscriber; requiring payment for medically necessary in-patient hospital services; amending s. 641.51, F.S., relating to quality assurance program requirements for certain managed-care organizations; allowing the rendering of adverse determinations by physicians licensed in Florida or states with similar requirements; requiring the submission of facts and documentation pertaining to rendered adverse determinations; providing timeframe for organizations to submit facts and documentation to providers and subscribers in writing; requiring an authorized representative to sign the notification; providing effective dates.

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By the Committees on Fiscal Policy; Governmental Oversight and Productivity; and Senators Cowin and Mitchell—

**CS for CS for SB 2208**—A bill to be entitled An act relating to adoption benefits for state and water management district employees; creating s. 110.152, F.S.; providing a monetary benefit for a state employee who adopts a special-needs child; providing a monetary benefit for a state employee who adopts a child not defined as a special-needs child; defining the term "special-needs child" for purposes of the act; providing procedure; providing for eligibility for parental leave; providing conditions of such leave; authorizing the Department of Management Services to adopt rules; providing an appropriation; providing an effective date.

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By the Committees on Fiscal Policy; Health, Aging and Long-Term Care; and Senator Saunders—

**CS for CS for SB 2242**—A bill to be entitled An act relating to health care; amending s. 409.212, F.S.; providing for periodic increase in the optional state supplementation rate; amending s. 409.901, F.S.; amending definitions of terms used in ss. 409.910-409.920, F.S.; amending s. 409.902, F.S.; providing that the Department of Children and Family Services is responsible for Medicaid eligibility determinations; amending s. 409.903, F.S.; providing responsibility for determinations of eligibility for payments for medical assistance and related services; amending s. 409.905, F.S.; increasing the maximum amount that may be paid under Medicaid for hospital outpatient services; amending s. 409.906, F.S.; allowing the Department of Children and Family Services to transfer funds to the Agency for Health Care Administration to cover state match requirements as specified; amending s. 409.907, F.S.; revising requirements relating to the minimum amount of the surety bond which each provider is required to maintain; specifying grounds on which provider applications may be denied; amending s. 409.908, F.S.; increasing the maximum amount of reimbursement allowable to Medicaid providers for hospital inpatient care; creating s. 409.9119, F.S.; creating a disproportionate share program for children's hospitals; providing formulas governing payments made to hospitals under the program; providing for withholding payments from a hospital that is not complying with agency rules; amending s. 409.912, F.S.; providing for the transfer of certain unexpended Medicaid funds from the Department of Elderly Affairs to the Agency for Health Care Administration; providing for renewal of contracts for fiscal intermediary services; amending s. 409.919, F.S.; providing for the adoption and the transfer of certain rules relating to the determination of Medicaid eligibility; authorizing developmental research schools to participate in Medicaid certified school match program; providing for the Agency for Health Care Administration to seek a federal waiver allowing the agency to undertake a pilot project that involves contracting with skilled nursing facilities for the provision of rehabilitation services to adult ventilator dependent patients; providing for evaluation of the pilot program; amending s.

430.703, F.S.; defining "other qualified provider"; amending s. 430.707, F.S.; authorizing the Department of Elderly Affairs to contract with other qualified providers to provide long-term care within the pilot project areas; exempting other qualified providers from specified licensing requirements; repealing s. 409.912(4)(b), F.S., relating to the authorization of the agency to contract with certain prepaid health care services providers; providing an effective date.

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By the Committee on Fiscal Policy and Senator Scott—

**CS for SB 2322**—A bill to be entitled An act relating to state leases; amending s. 216.043, F.S.; requiring state agencies to present justification before terminating a lease of privately owned property; amending s. 255.249, F.S.; providing for the coordination and assumption of the remaining term of a lease terminated by a state agency before the end of its base term; amending s. 255.25, F.S.; providing for the determination and amortization of the cost of tenant improvements; providing a process for the recovery of unamortized cost of tenant improvements when a lease is terminated before the end of its base term; providing an effective date.

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By the Committees on Fiscal Resource, Regulated Industries and Senator Lee—

**CS for CS for SB 2324**—A bill to be entitled An act relating to pari-mutuel wagering; amending s. 212.20, F.S.; authorizing a distribution of sales and use tax revenues to county governments; repealing s. 550.01215(8), F.S., relating to the use of permitted facilities; amending s. 550.135, F.S.; eliminating the annual distribution of pari-mutuel tax revenues to county governments; amending s. 550.0951, F.S.; providing that the daily license fee tax credit provided by said section and the $360,000 or $500,000 tax exemption provided by s. 550.09514(1), F.S., may be applied to any tax and daily license fees imposed under ch. 550, F.S.; removing restrictions on the transfer of the daily license fee tax credit by greyhound permitholders; authorizing transfer of the $360,000 or $500,000 tax exemption by a greyhound permitholder to a greyhound permitholder that acts as host track to such permitholder for intertrack wagering; providing for repayment; providing for rules; reducing the taxes on handle for greyhound dogracing, for intertrack wagering when the host track is a dog track, for intertrack wagers accepted by certain dog tracks, for intrack wagers when both the host and guest are thoroughbred tracks; and for harness racing; providing exceptions; removing the additional tax on the surcharge on winning tickets; redirecting deposits from the General Revenue Fund to the Pari-mutuel Wagering Trust Fund; specifying the rate of the tax on handle for greyhound simulcast races received from outside the United States; revising the time period for remittance of certain fees and taxes; forgiving certain taxes; amending s. 550.09514, F.S.; revising application and administration of the $360,000 or $500,000 tax exemption provided by said section; providing for payment of additional purses by greyhound permitholders in an amount equal to a percentage of the tax reduction resulting from the reduction of the taxes on handle; providing requirements with respect thereto; providing for audits; amending s. 550.09515, F.S.; modifying the tax on handle for thoroughbred performances; redirecting deposits from the General Revenue Fund to the Pari-mutuel Wagering Trust Fund; amending s. 550.1645, F.S., to conform; creating s. 550.1647, F.S.; providing for payments and credits concerning unclaimed pari-mutuel tickets and retention of breaks by greyhound permitholders; amending s. 550.615, F.S., relating to intertrack wagering and leased greyhound facilities; authorizing certain permitholders to conduct intertrack wagering at certain additional facilities; amending s. 550.0555, F.S.; providing legislative intent; providing for the relocation of jai alai permittees within a county in the same manner as is currently provided for the relocation of greyhound dogracing permittees within a county; providing that relocation of permittees be consistent with local government comprehensive plan; amending s. 550.09512, F.S.; reducing the tax on handle for live harness performances; amending s. 550.475, F.S.; providing for leasing of jai alai facilities; amending s. 550.625, F.S.; increasing the percentage of purses for harness racing; amending s. 550.155, F.S.; requiring counties to approve certain capital improvements by permitholders in certain situations; amending s. 550.26352, F.S., relating to the Breeders' Cup Meet; increasing the amount of certain tax credits allowed to permitholders; deleting certain limitations on broadcasts to pari-mutuel facilities; authorizing the Division of Pari-mutuel Wagering of the Department of Business and Professional Regulation to waive certain rules; amending s. 550.3551, F.S.; conforming provisions; amending s. 550.6305, F.S.; conforming cross-references; amending s. 550.002, F.S.; substituting the term "same class of races, games, or permit" for the term "same class of race or permit"; amending s. 550.0251, F.S.; providing for the Division of Pari-mutuel Wagering to adopt rules for wagering through a pari-mutuel wagering pool; amending s. 550.0351, F.S.; increasing the number of charity performances per fiscal year which a jai alai permitholder may conduct; amending s. 550.105, F.S.; revising provisions relating to licenses for persons or entities with access to certain areas of racetracks and frontons; amending s. 550.24055, F.S.; amending standards used in testing certain licensees to determine whether they have abused alcoholic beverages; amending s. 550.2614, F.S.; substantially amending provisions relating to horsemen's association membership and responsibilities; providing for the use of specified funds from the purse pool to provide financial assistance to certain thoroughbred racing personnel and their spouses and children; amending s. 550.26165, F.S.; providing for breeders' awards and stallion awards; providing for certain moneys to be returned to the permitholders that generated the money, in accordance with a plan to be established annually by specified entities; amending s. 550.2625, F.S.; amending minimum purse requirements for horseracing permitholders; amending criteria for the payment of breeders' awards and stallion awards; amending s. 550.3551, F.S.; requiring the written approval of the Florida Horsemen's Benevolent and Protective Association, Inc., before a thoroughbred permitholder may conduct fewer than eight live races on any race day; amending s. 550.6308, F.S.; amending provisions relating to limited intertrack wagering licenses; expanding the types of pari-mutuel races or games on which intertrack wagering may be conducted, subject to certain conditions; requiring a licensee to pay a specified amount to the daily pari-mutuel pool on certain wagers to thoroughbred permitholders conducting live races; amending s. 773.01, F.S.; amending the definition of the term "participant" as used in ss. 773.01-773.05, F.S.; amending ss. 773.03, F.S., relating to limitation on liability for equine activity; providing that the section does apply to the horseracing industry as defined in ch. 550, F.S.; creating the Interstate Compact on Licensure of Participants in Pari-mutuel Wagering; providing purposes of the compact; providing definitions; providing for the effective date of the compact; providing criteria for eligibility to join the compact; providing procedures for withdrawing from the compact; creating an interstate governmental entity to be known as the compact committee; providing the powers and duties of the compact committee; providing voting requirements for the committee; providing for the administration and management of the committee; providing that committee employees are governmental employees; providing immunity from liability for performance of official responsibilities and duties of the compact committee; providing rights and responsibilities of each state that is a party to the compact; providing for construction and severability of provisions of the compact; repealing s. 550.0951(2)(a), F.S., relating to an admission tax imposed on each attendee at a horserace, dograce, or jai alai game; repealing s. 550.2415(10), (11), (12), F.S., relating to postmortem examinations of injured animals that subsequently die or are destroyed; repealing s. 550.615(9), F.S., relating to limited intertrack wagering license; providing effective dates.

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By the Committees on Comprehensive Planning, Local and Military Affairs; Regulated Industries; and Senator Latvala—

**CS for CS for SB 2342**—A bill to be entitled An act relating to mobile homes; amending s. 723.003, F.S.; providing definitions; defining the term "proportionate share" for purposes of determining a pass-through charge; amending s. 723.006, F.S.; authorizing the Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and Professional Regulation to charge a fee for amendments to an approved prospectus or offering circular; amending s. 721.011, F.S.; requiring that a park owner and the division maintain copies of certain documents that pertain to the rental of mobile home lots; amending s. 723.012, F.S.; specifying additional information to be included in the prospectus or offering circular; creating s. 723.015, F.S.; requiring park owners to make available for inspection the applicable rental agreement, rules, and prospectus; providing for the home owner to notify the park owner of any differences in the rental agreement, rules, or prospectus; providing that there is not liability on the part of the division, a park owner, or a home owner for failure to provide, obtain, or receive a copy of the applicable prospectus; amending s. 723.035, F.S.;

authorizing a mobile home owner, a mobile home homeowners' association, or a park owner to seek an injunction to prohibit violations of park rules; providing for penalties and enforcement; amending s. 723.037, F.S.; requiring the division to maintain notices of rental increases; revising the procedures under which a park owner may increase the lot rental amount, change the rules, or reduce services or utilities; amending s. 723.051, F.S.; providing for rights and obligations of guests of a mobile home owner; amending s. 723.059, F.S.; providing certain requirements for the seller and park owner with respect to the sale of a mobile home within a mobile home park; amending s. 723.073, F.S.; providing requirements for the conveyance of a mobile home park by an assignee; amending s. 723.076, F.S.; providing additional requirements for the notice by a homeowners' association of its right to purchase the mobile home park; amending s. 723.079, F.S.; authorizing an assignee of a homeowners' association to exercise certain powers and duties; amending s. 719.106, F.S.; providing for the election of board members in a mobile home cooperative homeowners' association; amending s. 320.77, F.S.; defining the term "mobile home broker" to include persons licensed under ch. 475, F.S.; repealing s. 723.0791, F.S., relating to the election of board members in a mobile home cooperative homeowners' association; providing an effective date.

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By the Committee on Governmental Oversight and Productivity; and Senator Silver—

**CS for SB 2346**—A bill to be entitled An act relating to port area improvement; creating the "Community Improvement Authority Act"; providing legislative findings and intent; defining terms; providing for the creation of community improvement authorities in eligible counties; providing for the management of authorities; providing for the powers of an authority; authorizing the use of bonds to fund projects; providing for a tax exemption on bonds; providing for limitations on damages; providing for awarding contracts for the construction of projects; providing for dissolution of an authority; providing severability; providing for liberal construction; providing an effective date.

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By the Committee on Transportation and Senator King—

**CS for SB 2368**—A bill to be entitled An act relating to traffic control; amending s. 316.650, F.S.; requiring the issuance of a copy of the Traffic School Reference Guide with traffic citations; amending s. 318.14, F.S.; deleting reference to a restriction on the number of elections a person may make to attend a basic driver improvement course; amending s. 318.1451, F.S.; providing an assessment fee with respect to driver improvement courses for persons who are ordered by the court to attend and for certain other violations; amending s. 322.0261, F.S.; deleting reference to a time period and increasing the amount of damage required with respect to a crash for the screening of certain crash reports; creating s. 322.02615, F.S.; providing for mandatory driver improvement courses for certain violations; providing an effective date.

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By the Committee on Transportation and Senator Latvala—

**CS for SB 2384**—A bill to be entitled An act relating to suspension of driver's licenses; amending s. 316.1937, F.S.; requiring the use of an ignition interlock device for a certain time period for persons convicted of a second or subsequent offense of driving under the influence; making technical corrections regarding breath-alcohol level; lowering the blood-alcohol level required for operation of said device; providing for a 30-day review of the device; providing for the results of the data log to be sent to the offender's probation officer and DUI program; amending s. 322.2615, F.S.; providing an effective time period for the issuance of a temporary permit; amending s. 322.2616, F.S.; clarifying the blood-alcohol levels that are unlawful; prescribing a waiting period before a temporary driving permit becomes effective; providing an effective date.

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By the Committees on Fiscal Policy; Comprehensive Planning, Local and Military Affairs; Agriculture and Consumer Services; and Senator Mitchell—

**CS for CS for CS for SB 2446**—A bill to be entitled An act relating to tobacco farm conversion; providing funds to purchase stranded tobacco farming equipment; providing for resale of purchased equipment with restrictions; providing for use of proceeds from resale of equipment; providing an effective date.

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By the Committees on Judiciary, Regulated Industries and Senator King—

**CS for CS for SB 2468**—A bill to be entitled An act relating to athlete agents; amending s. 468.456, F.S.; providing an additional prohibited act as grounds for disciplinary action; requiring suspension or revocation of license for certain violations; creating s. 468.45615, F.S.; prohibiting the provision of illegal inducements to athletes; providing penalties; amending s. 468.4562, F.S.; providing for the award of treble damages to colleges or universities that prevail in civil actions with respect to illegal acts by athlete agents; providing an effective date.

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By the Committees on Fiscal Policy; Comprehensive Planning, Local and Military Affairs; Commerce and Economic Opportunities; and Senators Kirkpatrick and Hargrett—

**CS for CS for CS for SB 2548**—A bill to be entitled An act relating to economic development; amending s. 14.2015, F.S.; eliminating administrative responsibility of the Office of Tourism, Trade, and Economic Development for the sports franchise facility program, the professional golf hall of fame facility program, the Regional Rural Development Grants Program, the Florida Enterprise Zone Act, and the Florida State Rural Development Council; eliminating authority for the Office of Tourism, Trade, and Economic Development to enter into contracts in connection with duties relating to the Florida First Business Bond Pool, the Enterprise Zone Program, and foreign offices; conforming terminology; requiring a report on activities funded under the Economic Development Incentives Account and the Economic Development Transportation Trust Fund; providing for Front Porch Florida requirements; directing the Office of Urban Opportunity to give priority to projects receiving certain federal grants; amending s. 163.2523, F.S.; providing allocation criteria for the Urban Infill and Redevelopment Grant Program; amending s. 420.5087, F.S.; providing allocation criteria for the State Apartment Incentive Loan Program; amending s. 420.5089, F.S.; providing allocation criteria for the HOME Investment Partnership Program; amending s. 420.5093, F.S.; giving priority to certain projects in the State Housing Tax Credit Program; amending s. 420.5099, F.S.; giving priority to certain projects in the allocation of low-income housing tax credits; amending s. 159.705, F.S.; specifying that projects located in research and development parks may be operated by specified organizations; amending s. 159.8083, F.S.; providing for Enterprise Florida, Inc., to recommend Florida First Business projects to the Office of Tourism, Trade, and Economic Development; providing for consultation; amending s. 163.3164, F.S.; exempting certain activities from the term "development" for the purposes of the Local Government Comprehensive Planning and Land Development Regulation Act; amending s. 212.08, F.S.; revising an exemption from taxation for machinery and equipment used in silicon-technology production and research and development; making the exemption applicable to semiconductor-technology production and research and development; providing an exemption from taxation for building materials purchased for use in manufacturing or expanding clean rooms for semiconductor-manufacturing facilities; revising definitions; revising criteria and procedures; specifying that a sales tax exemption for certain repair and labor charges applies to industrial machinery and equipment used in the production and shipping of tangible personal property; applying the exemption to SIC Industry Major Group Number 35; specifying that the sales tax exemption for industries in such group number is remedial in nature and applies retroactively; amending ss. 212.097, 212.098, F.S.; expanding the definition of the term "eligible business" under the Urban High–Crime Area Job Tax Credit Program and Rural Job Tax Credit Program to include certain businesses involved in motion picture production and allied services; amending s. 218.075, F.S.; expanding conditions under which the Department of Environmental Protection and water management districts

shall reduce or waive certain fees for counties or municipalities; conforming to the definition of the term "rural community" used elsewhere in the Florida Statutes; amending s. 288.012, F.S.; revising the authority of the Office of Tourism, Trade, and Economic Development to establish foreign offices; providing for the office to approve the establishment and operation of such offices by Enterprise Florida, Inc., and the Florida Commission on Tourism; providing for foreign offices to submit updated operating plans and activity reports; amending s. 288.018, F.S.; providing for Enterprise Florida, Inc., to administer the Regional Rural Development Grants Program and make recommendations for approval by the Office of Tourism, Trade, and Economic Development; creating s. 288.064, F.S.; expressing the intent of the Legislature to provide for efficient and effective delivery of assistance to rural communities; amending s. 288.0655, F.S.; revising deadlines relating to implementation of the Rural Infrastructure Fund; amending s. 288.0656, F.S.; revising criteria for the Rural Economic Development Initiative; requiring certain communities to apply for rural designation; amending s. 288.1088, F.S.; revising criteria and procedures related to the award of funds to certain target industries from the Quick Action Closing Fund; amending s. 288.1162, F.S.; providing for a specified direct-support organization to administer the professional sports franchises and spring training franchises facilities programs; providing for final approval of decisions under such programs by the Office of Tourism, Trade, and Economic Development; amending s. 288.1168, F.S.; deleting obsolete provisions relating to certification of the professional golf hall of fame; providing for a specified direct-support organization to administer that program; amending s. 288.1169, F.S.; providing for a specified direct-support organization to administer the certification program for the International Game Fish Association World Center facility; providing for annual verification of attendance and sales tax revenue projections; transferring, renumbering, and amending s. 288.1185, F.S.; assigning administrative responsibility for the Recycling Markets Advisory Committee to the Department of Environmental Protection; amending s. 288.1223, F.S.; authorizing the Governor to designate a person to serve on the Florida Commission on Tourism and as the chair of the commission; amending s. 288.1226, F.S.; providing for the appointment of the president of the Florida Tourism Industry Marketing Corporation and specifying that the president serves at the pleasure of the Governor; limiting certain employee salaries unless such employees are covered by a performance contract; amending s. 288.1229, F.S.; requiring an annual report on the status of specified sports projects; amending s. 288.1251, F.S.; renaming the Office of the Film Commissioner the Governor's Office of Film and Entertainment; renaming the Film Commissioner as the Commissioner of Film and Entertainment; authorizing receipt and expenditure of certain grants and donations; amending s. 288.1252, F.S.; renaming the Florida Film Advisory Council the Florida Film and Entertainment Advisory Council; amending s. 288.1253, F.S., relating to travel and entertainment expenses; conforming terminology; amending s. 288.7011, F.S.; revising conditions under which certain assistance and support for a statewide certified development corporation shall cease; amending s. 288.901, F.S.; correcting a cross-reference; providing that the Governor's designee may serve as chairperson of the board of directors of Enterprise Florida, Inc.; amending s. 288.9015, F.S.; requiring Enterprise Florida, Inc., to use specified programs to facilitate economic development; amending s. 288.980, F.S.; providing for Enterprise Florida, Inc., to administer defense grant programs and make recommendations to the Office of Tourism, Trade, and Economic Development on approval of grant awards; providing that certain defense-related grants may be awarded only from specifically appropriated funds; amending s. 288.99, F.S.; assigning certain responsibility for ongoing administration of the Certified Capital Company Act to the Department of Banking and Finance; authorizing additional applications for certification as a certified capital company; amending s. 290.004, F.S.; repealing certain definitions under the enterprise zone program; defining the term "rural enterprise zone"; amending s. 290.0056, F.S.; providing for a reporting requirement for enterprise zone development agencies to Enterprise Florida, Inc.; amending s. 290.0058, F.S.; conforming to administration of the enterprise zone program by Enterprise Florida, Inc.; amending s. 290.0065, F.S.; providing for Enterprise Florida, Inc., to administer the enterprise zone program and make recommendations to the Office of Tourism, Trade, and Economic Development; conforming references; amending s. 290.0066, F.S.; providing for Enterprise Florida, Inc., to make recommendations to the Office of Tourism, Trade, and Economic Development regarding revocations of enterprise zone designations; amending s. 290.00675, F.S.; providing for Enterprise Florida, Inc., to make recommendations to the Office of Tourism, Trade, and Economic Development regarding amendment of enterprise zone boundaries; creating s. 290.00676, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to amend the boundaries of a rural enterprise zone and providing requirements with respect thereto; creating s. 290.00677, F.S.; modifying the employee residency requirements for the enterprise zone job credit against the sales tax and corporate income tax if the business is located in a rural enterprise zone; modifying the employee residency requirements for maximum exemptions or credits with respect to the sales tax credits for enterprise zone job creation, for building materials used in the rehabilitation of real property in an enterprise zone, for business property used in an enterprise zone, and for electrical energy used in an enterprise zone, and the corporate income tax enterprise zone job creation and property tax credits if the business is located in a rural enterprise zone; providing application time limitations; providing an extended application period for certain businesses to claim tax incentives; amending s. 290.00689, F.S.; conforming a cross-reference; revising the eligibility criteria for certain tax credits to include a review and recommendation by Enterprise Florida, Inc.; creating s. 290.00694, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate rural champion communities as enterprise zones; providing requirements with respect thereto; amending s. 290.009, F.S.; specifying that Enterprise Florida, Inc., shall serve as staff to the Enterprise Zone Interagency Coordinating Council; amending s. 290.014, F.S.; conforming cross-references; amending s. 290.046, F.S.; eliminating a limitation on the number of economic development grants that an eligible local government may receive under the Florida Small Cities Community Development Block Grant Program; specifying that cumulative grant awards may not exceed certain ceilings; amending s. 290.048, F.S.; authorizing the Department of Community Affairs to establish advisory committees relating to the Florida Small Cities Community Development Block Grant Program; repealing s. 290.049, F.S., relating to the Community Development Block Grant Advisory Council; amending s. 373.4149, F.S.; removing the director of the Office of Tourism, Trade, and Economic Development from the membership of the Miami-Dade County Lake Belt Plan Implementation Committee; authorizing the Institute of Food and Agricultural Sciences to contract and receive money to support the Florida State Rural Development Council; requiring the Workforce Development Board of Enterprise Florida, Inc., to develop a policy authorizing placement of certain workforce–training clients in self–employment as a means of job placement; directing the Office of Tourism, Trade, and Economic Development and Enterprise Florida, Inc., to establish a unit responsible for forecasting and responding to certain economic development events; creating an Economic Development Leadership Council to provide leadership related to such events; requiring a report and recommendations; providing legislative intent; providing for creation and purpose of the Toolkit for Economic Development; defining the term "economically distressed"; requiring the appointment of liaisons from agencies and organizations; providing for requirements and duties; creating coordinating partners to serve as the program's executive committee; providing for duties and powers; providing for waivers of state–required matching–funds requirements; requiring an inventory of programs that help economically distressed communities; requiring that the inventory be categorized; creating the Start-Up Initiative to promote the use of the inventory; providing for identification of communities; providing for solicitation of proposals; providing for proposal content; providing for review process and evaluation criteria; providing for funding; providing for the designation of communities of critical economic opportunity; providing an appropriation to the coordinating partners; providing for use of funds and certification; providing for reporting; providing for expiration; creating s. 288.1260, F.S.; creating the Front Porch Florida initiative; providing legislative intent; providing for purposes and principles of the program; creating liaisons to Front Porch Florida communities; providing for liaison requirements and duties; providing for use of the inventory of federal and state resources; providing for application requirements; providing for the formation of a Governor's Revitalization Council; providing for duties; providing for monitoring and reporting; creating s. 239.521, F.S.; providing intent; providing for development of a 2-year vocational and technical distance-learning curriculum for information-technology workers; providing for internship opportunities for high school and postsecondary information-technology vocational faculty and students in information-technology businesses; providing a means for increasing the capability and accessibility of information-technology-training providers through state-of-the-art facilities; amending s. 240.311, F.S.; requiring the State Board of Community Colleges to identify training programs for broadband digital media specialists; requiring that such programs be added to lists for demand occupations under certain circumstances; amending s. 240.3341, F.S.; encouraging community colleges to establish incubator facilities for digital media content and technology development; creating s. 240.710, F.S.; requiring the Board of Regents to create a Digital Media

Education Coordination Group; providing membership; providing purposes; requiring development of a plan; requiring submission of plans to the Legislature; requiring the Workforce Development Board to reserve funds for digital media industry training; providing direction on training; requiring the Workforce Development Board to develop a plan for the use of certain funds to enhance workforce of digital media related industries; providing direction on plan development; providing a contingent appropriation to the Digital Media Education Infrastructure Fund; providing requirements for contracting and use of funds; requiring Enterprise Florida, Inc., to convene a broadband digital media industries group; requiring identification, designation, and priority of digital media sector in sector strategy; requiring Enterprise Florida, Inc., to contract for establishment of digital media incubator; providing contract requirements; providing an appropriation; requiring industry participation in funding; providing direction for incubator location; requiring ITFlorida, in cooperation with Enterprise Florida, Inc., to prepare a marketing plan promoting the state to digital media industries; providing that certain provisions relating to digital media are subject to legislative appropriation; amending s. 331.367, F.S.; revising provisions with respect to the Spaceport Management Council; directing the council to submit recommendations; providing for the participation of federal officials; amending s. 331.368, F.S.; expanding the purpose of the Florida Space Research Institute; revising the membership of the institute; prescribing additional duties of the institute; creating the Space Industry Workforce Initiative; requiring the Workforce Development Board of Enterprise Florida, Inc., to develop initiatives to address the workforce needs of the industry; prescribing criteria; requiring the board to convene industry representatives; requiring a report; creating s. 331.3685, F.S.; creating the Florida Space-Industry Research-Development Program to finance space–related research projects and programs; providing for certain sales-tax collections to be retained by the Kennedy Space Center Visitor Complex and distributed to the Florida Space Research Institute; prescribing uses of such funds; requiring an annual accounting of such funds; providing for review of funding proposals by the Office of Tourism, Trade, and Economic Development; requiring a contract with the office governing distribution of funds under the program; amending s. 212.08, F.S.; providing for sales-tax collections from the Kennedy Space Center Visitor Complex to be retained by the complex and distributed to the Florida Space Research Institute; providing for reporting of sales to the Department of Revenue as prescribed by rules; amending s. 556.108, F.S.; providing for performing the demolition or excavation of single-family residential property; creating the Commission on Basic Research for the Future of Florida; prescribing membership of the commission; providing a purpose for the commission; requiring the use of state resources; providing for staffing, administration, and information sharing; requiring a report; repealing s. 288.039, F.S., relating to the Employing and Training our Youths (ENTRY) program; repealing s. 288.095(3)(c), F.S., relating to a required report on activities under the Economic Development Incentives Account of the Economic Development Trust Fund; providing an effective date.

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By the Committee on Judiciary and Senator Campbell—

**CS for SB 2592**—A bill to be entitled An act relating to rules of evidence; amending s. 794.022, F.S.; providing for certain rules of evidence applicable to the criminal prosecution of the crime of sexual battery to apply in any civil action brought under the Florida Civil Rights Act involving the perpetration or alleged perpetration of such crime; providing an effective date.

## CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 26 was corrected and approved.

## RECESS

On motion by Senator McKay, the Senate recessed at 5:50 p.m. to reconvene at 9:30 a.m., Friday, April 28.