



Journal of the Senate

Number 15—Regular Session

Wednesday, April 23, 2003

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CALL TO ORDER

The Senate was called to order by President King at 9:00 a.m. A quorum present—40:

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

PRAYER

The following prayer was offered by Michael L. Grady, Sr., Director of New Gulf Coast Choir, Panama City:

Dear God, our Father, we humbly bow before you in adoration and praise. We recognize and accept you as our loving supreme creator. Thank you for the charge you have given our nation, our state, and our people . . . to show forth the torch of freedom and ring the bell of liberty.

Father, I pray that you bless this legislative body with the wisdom and conviction needed to make the best decisions. Impart to these noble leaders clarity of judgment and rightness of spirit such that their individual principles and personal resolve are channeled into one great river of selflessness and cooperative effort.

Father, we now remember those courageous men and women that serve our nation as protectors, defenders, and liberators. Remember them and their families in times of war and peace.

Now Father, bless our leaders on every level, especially our President. Bless our Governor. Bless this Northwest Florida Legislative Day. Bless all of us as we seek to find the path that you reveal by the light and conviction within us all. And when we stray from that path, when we err from what is right, forgive us and show us again, the way. Accept these, your children's petitions. Amen.

PLEDGE

Senate Pages Justin Echternacht of Crestview, Lindsay Page Painter of Tampa, Michaelia Robinson of Tallahassee and Anastasia Campbell of Panama City, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Steven Rosenberg of West Palm Beach, sponsored by Senator Pruitt, as doctor of the day. Dr. Rosenberg specializes in Dermatology.

ADOPTION OF RESOLUTIONS

On motion by Senator Clary—

By Senator Clary—

SR 264—A resolution recognizing April 23, 2003, as "Northwest Florida Legislative Day" in Tallahassee.

WHEREAS, Northwest Florida encompasses 16 counties across the Florida Panhandle and over 13,000 square miles of beautiful coastline, winding rivers, vast tracts of forested land, and more than 100 freshwater springs and is the home to 36 state parks, and

WHEREAS, Northwest Florida is known for its southern charm and small-town atmosphere, blended with its largely undiscovered and unspoiled beaches, and

WHEREAS, the Emerald Coast was voted the Number One Beach of America by USA Today and was voted as Southern Living's best beach of the South for 6 years and Southern Living's top family destination, and

WHEREAS, the beaches of Northwest Florida are visited by over 20 million tourists annually and average 339 sunny days per year, and

WHEREAS, the Emerald Coast beaches are uniquely beautiful given their snow-white sand, composed of quartz crystals washed down from the Appalachian Mountains centuries ago, and their emerald-green waters, colored by light reflecting off photo-synthetic micro-algae suspended in the northern Gulf Coast's crystal clear water, and

WHEREAS, Northwest Florida is home to eight military bases, including Eglin Air Force Base, the largest air base in the Department of Defense; Pensacola Naval Air Station, home of the Blue Angels; Hurlburt Field, the oldest, largest, and most seasoned unit in the Air Force Special Operations Command; Whiting Field; Tyndall Air Force Base; Duke Field; Coastal Systems Station; the United States Coast Guard; and the world-renowned National Museum of Naval Aviation, and

WHEREAS, the Air Armament Center at Eglin Air Force Base supports America's efforts at combatting terrorism by developing precision-guided weapons, many of which have played a major role in recent military maneuvers in Afghanistan, and

WHEREAS, more than 60 percent of the bombs dropped in Afghanistan were precision-guided weapons, most of which were developed at Eglin Air Force Base, and

WHEREAS, Eglin Air Force Base has deployed more than 1,000 military personnel to support Operation Enduring Freedom and Operation Noble Eagle to bases throughout the world, and

WHEREAS, Eglin's 33rd Fighter Wing and 728th Air Control Squadron support homeland defense by keeping watch on our cities and the skies over the United States, and

WHEREAS, Duke Field's 919th Special Operations Wing has deployed aircraft and more than 500 military personnel to support special operations missions worldwide, and more than 85 percent of its 1,300 members live and work in the Florida Panhandle, and

WHEREAS, in 1559, the Island of Saint Rose, now known as Santa Rosa Island, was the site of the first colonial settlement in North America, and

WHEREAS, in 1861, the Battle of Santa Rosa Island was fought when the Confederacy tried and failed to overtake Fort Pickens, held by the Union throughout the Civil War, and

WHEREAS, Pensacola Beach had the area's first tourist attraction when Pensacola boosters lobbied in 1886 to have Geronimo imprisoned at Fort Pickens, and

WHEREAS, Milton is considered by the Florida Legislature to be Florida's Canoe Capitol of Florida, and Navarre is known as the "best kept secret," and

WHEREAS, Pensacola is known as the City of Five Flags because of the city's occupation by the Spanish, the French, the British, the Confederacy, and the United States at various points in its history, and

WHEREAS, Pensacola was voted as the seventh most polite city in the nation and its historic district is a national historic landmark, and

WHEREAS, Ft. Walton Beach is known for its Indian Temple Mound Museum, a political and cultural center for Native Americans approximately 800 years ago, and, is a national historic landmark, holding the finest collection of prehistoric Native American ceramics in the United States, and

WHEREAS, Ft. Walton Beach is the Billfish Capital of the World and annually holds the Billy Bowlegs Festival, and

WHEREAS, Destin is the home of the largest charter-boat-fishing fleet in Florida and the entire Gulf of Mexico, and

WHEREAS, Destin Harbor was the setting for the movie, "Jaws II," and the Seaside community was the setting for the movie "The Truman Show," starring Jim Carrey, and

WHEREAS, Apalachicola, Carrabelle, and Wewahitchka provided settings for filming the movie, "Yulee's Gold," starring Peter Fonda and depicting the extraordinary quality of tupelo honey produced in the region, and

WHEREAS, Sopchoppy is the earthworm capital of Florida, and Port St. Joe is the site of Florida's First Constitutional Convention, and

WHEREAS, Bay County is recognized as the third most popular golfing destination in the nation, and

WHEREAS, Panama City Beach is the self-styled seafood capital of the world, is the home of Florida's longest pier, and is known as the Wreck Capital of the South for its artificial reef dive sights, and

WHEREAS, Franklin County is a "cool" place to visit because it is the home of Dr. John Gorrie who invented a machine that is the predecessor to refrigeration and air conditioning, and Apalachicola Bay produces 90 percent of the state's annual oyster harvest, and

WHEREAS, Tallahassee is the capital city of Florida and the home of the Florida Legislature, in which Northwest Florida is represented by Senators Durell Peadar, Al Lawson, Nancy Argenziano, and Charlie Clary, and by Representatives Greg Evers, Dave Murzin, Holly Benson, Ray Sansom, Don Brown, Allan Bense, Bev Kilmer, Curtis Richardson, Lorraine Ausley, and Will Kendrick, and

WHEREAS, Northwest Florida is the home of 11 universities and community colleges, including the University of West Florida, Florida State University-Panama City Campus, Florida State University, Florida Agricultural and Mechanical University, Troy State University-Ft. Walton Beach Campus, Pensacola Junior College, Pensacola Christian College, Gulf Coast Community College, Okaloosa Walton Community College, Chipola Community College, and Tallahassee Community College, and

WHEREAS, Northwest Florida offers exciting events from wine festivals, to seafood extravaganzas to ethnic-heritage celebrations, NOW, THEREFORE,

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

That the Florida Senate recognizes April 23, 2003, as "Northwest Florida Legislative Day" in Tallahassee.

—was introduced out of order and read by title. On motion by Senator Clary, **SR 264** was read the second time in full and adopted.

On motion by Senator Saunders—

By Senator Saunders—

SR 102—A resolution recognizing Dr. William Lascheid, M.D., and Nancy Lascheid, R.N., for their outstanding public service in providing affordable health care to residents of Collier County, through establishing a neighborhood health clinic and coordinating and serving as volunteers.

WHEREAS, providing health care to individuals who cannot afford it is a pressing problem in this and every state, and

WHEREAS, the government cannot meet the health care needs of the underserved populace without the help of compassionate volunteers, and

WHEREAS, Dr. William Lascheid, M.D., and Nancy Lascheid, R.N., are among the most generous of those volunteers, in that they have, since 1992, faithfully advocated for health care services for individuals living in Collier County who have limited financial resources, and

WHEREAS, William and Nancy Lascheid established the Neighborhood Health Clinic in 1999 as a concept contingent on philanthropy and volunteerism to provide health care services to individuals who are unable otherwise to procure those services, and

WHEREAS, Dr. and Mrs. Lascheid have labored selflessly to enlist the volunteered services of physicians, nurses, other health care professionals, and community members to offer health care services for the cost to the recipients of one hour of their wages, and

WHEREAS, Dr. William Lascheid, M.D., and Nancy Lascheid, R.N., have been responsible for coordinating services to more than 6,000 patients, which services were valued at more than \$2.7 million, including \$860,000 in donated physician services; have filled 12,237 prescriptions having a retail value of \$500,000; and have donated volunteer hours worth \$1.4 million in wages, and

WHEREAS, William and Nancy Lascheid have been selected as recipients of the Jefferson Award for Public Service, one of the nation's top awards for public service, given by the American Institute for Public Service, NOW, THEREFORE,

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

That the Florida Senate recognizes Dr. William Lascheid, M.D., and Nancy Lascheid, R.N., for their selfless service to the people of Collier County and the State of Florida.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Dr. and Mrs. William Lascheid as a tangible token of the sentiments expressed herein.

—was introduced out of order and read by title. On motion by Senator Saunders, **SR 102** was read the second time in full and adopted.

At the request of Senator Wasserman Schultz—

By Senator Wasserman Schultz—

SR 2622—A resolution recognizing May 2003 as “Stroke Awareness Month” in the State of Florida.

WHEREAS, stroke is the leading cause of death and disability of adults in the United States, annually causing more than 600,000 deaths and permanently impairing more than 4.5 million, and

WHEREAS, stroke annually kills more women in the United States than breast cancer and the stroke death rate is greater among African Americans and senior citizens than other Americans, and

WHEREAS, the majority of Americans are not aware of the risks of stroke or the symptoms of an impending stroke, and

WHEREAS, the symptoms of stroke include sudden numbness or weakening of muscles in the face, arm, or leg, especially on one side of the body; sudden confusion, impairment of speech, or incomprehension of what is being said or done; sudden impairment of vision; sudden inability to ambulate, coordinate motor functions, or maintain balance; and dizziness, and sudden severe headaches without any apparent cause, and

WHEREAS, new and effective ways of treating stroke have been developed to diminish the impairments of victims, but much more research is needed to advance discovery of improved medical care to reduce the risk of stroke and its damaging effects, and

WHEREAS, the National Stroke Association is petitioning legislatures throughout the nation to designate the month of May 2003 as “Stroke Awareness Month” to promote greater knowledge and understanding of the risks and symptoms of stroke among the American people, and to encourage more research into improved medical care to reduce such risks and the damaging effects of strokes, NOW, THEREFORE,

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

That the Florida Senate recognizes the month of May 2003 as “Stroke Awareness Month” in the State of Florida.

—**SR 2622** was introduced, read and adopted by publication.

At the request of Senator Wilson—

By Senator Wilson—

SR 2824—A resolution recognizing April 21, 2003, as “Stop Day” in the State of Florida.

WHEREAS, violence in America’s schools threatens the core of the educational process and deprives students and teachers of opportunities to learn and teach without the fear of harm, and

WHEREAS, “Stop Day” is intended to raise awareness of the growing epidemic of violence in America’s schools and to encourage those who foment violence to opt for peaceful resolution of their grievances and a path of self-improvement and healing, and

WHEREAS, students are urged to recite the “Stop Day” pledge, which states: “I pledge to be nonviolent and to respect my fellow classmates. I will report crime or acts of violence to appropriate officials or call Crime Stoppers to report incidents anonymously. I will not let the actions of a few make my school dangerous or unsafe. I want a safe learning environment and will work with my fellow students to make it so,” and

WHEREAS, “Stop Day” participants are urged to show their support by developing anti-violence community service projects, inviting legal professionals to speak to student groups, conducting open-ended skits that allow student observers to predict outcomes of conflict based upon real life choices, developing a process that encourages the reporting of school crime or violence, and conducting mock trials, and

WHEREAS, “Stop Day” will give every student in Florida an opportunity to evaluate this critical issue and assess his or her role in preventing crime or violence in our schools, NOW, THEREFORE,

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

That the Florida Senate is aware of the importance of stopping violence in schools and recognizes April 21, 2003, as “Stop Day” in the State of Florida.

—**SR 2824** was introduced, read and adopted by publication.

At the request of Senator Carlton—

By Senator Carlton—

SR 2950—A resolution recognizing April 16, 2003, as “Warren S. Henderson Day” in the State of Florida.

WHEREAS, Warren S. Henderson was born November 14, 1927, in Exeter, New Hampshire, graduated from Denison University in 1951 with a Bachelor of Arts Degree, moved to Florida in 1955, settled in Sarasota County, and became involved in civic affairs and public service, and

WHEREAS, in 1956, Warren S. Henderson initiated his career in public service by serving as a member of the Sarasota Planning and Zoning Committee, and from 1960 to 1963 served as a member of the Sarasota Juvenile Merit Board, as a member and chairman of the Sarasota County Water & Navigation Control Authority, the Manatee-Sarasota Airport Authority, and the Sarasota County Board of Commissioners, and

WHEREAS, in 1963, Warren S. Henderson was elected to the Florida Senate for a term that, due to reapportionment, ended in 1966, when he was elected to the Florida House of Representatives for a 1-year term, at the expiration of which he was again elected to the Florida Senate, where he served from 1967 to 1984, and

WHEREAS, during his tenure in the Florida Senate, Senator Henderson was a prominent leader of the Republican party and served with distinction in many leadership roles, including chairman of the Committee on Resolutions and Memorials (1963), chairman of the Committee on Motor Vehicles (1965), Senate Minority Leader (1970-1972), chairman of the Subcommittee on Regulatory Reform (1975), and Vice Chair of the Committee on Natural Resources (1978-1980), and

WHEREAS, Senator Henderson was an effective advocate for a wide variety of environmental issues with legislation named after him, and

WHEREAS, he was the primary architect of a constellation of pro-child legislation such as that creating Children’s Medical Services, then the primary state unit responsible for children with special health care needs, and

WHEREAS, Senator Henderson has rendered many years of invaluable public service to the people of Sarasota County, to the people of the districts from which he was elected and to the people of Florida, NOW, THEREFORE,

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

That the Florida Senate recognizes April 16, 2003, as “Warren S. Henderson Day” in the State of Florida.

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

—**SR 2950** was introduced, read and adopted by publication.

At the request of Senator Wilson—

By Senator Wilson—

SR 2952—A resolution recognizing the week of April 20-26, 2003, as “Minority Cancer Awareness Week” in the State of Florida.

WHEREAS, although progress is being made in the fight against cancer, the incidence of cancer is greater among Floridians who are

medically underserved than those who have adequate access to quality medical care and treatment, and

WHEREAS, most Floridians who are medically underserved are without adequate health care insurance, and the great majority of these are senior citizens, people of African and Latin descent, and people who are living below the national standard for poverty, and

WHEREAS, 60 percent of all incidences of cancer and 65 percent of all cancer deaths occur in people who are over the age of 65, and the United States Census estimates that, if population trends continue, Florida will soon have more senior citizens than any other state, and

WHEREAS, people of African descent, who constitute 15.2 percent of Florida's population, the largest element of Florida's minority population, are 33 percent more likely to die of cancer than people of Caucasian descent, and are 200 percent more likely to die of cancer than are people of Latin descent, and

WHEREAS, people of Latin descent are the fastest-growing element of the nation's population, are expected by 2005 to become the largest element of Florida's minority population, and the majority of people of Latin descent are medically underserved due to cultural and language differences and lack of adequate health care insurance, and

WHEREAS, 15.2 percent of Floridians live below the national standard for poverty and do not have adequate medical insurance, and

WHEREAS, due to the continuing efforts of the Biennial Symposium on Minorities and the Medically Underserved, this year is the 17th consecutive year in which Minority Cancer Awareness Week is observed nationally, and adoption of this resolution will provide the inaugural occasion for Minority Cancer Awareness Week to be observed in Florida, and

WHEREAS, minority cancer awareness initiatives, such as those promoted by the Florida Division of the American Cancer Society, will promote strategies to reduce the ethnic and racial cancer disparities, NOW, THEREFORE,

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

That the Florida Senate recognizes the week of April 20-26, 2003, as "Minority Cancer Awareness Week" in the State of Florida.

—**SR 2952** was introduced, read and adopted by publication.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Lee, by two-thirds vote **CS for SB 274**, **CS for CS for SB 566** and **CS for SB 1942** were withdrawn from the Committee on Rules and Calendar.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Lee, the rules were waived and the Committee on Ethics and Elections was granted permission to meet this day from 4:30 p.m. until 6:00 p.m. to consider executive appointments.

BILLS ON THIRD READING

The Senate resumed consideration of—

CS for SB 1164—A bill to be entitled An act relating to property rights; amending s. 70.001, F.S., the "Bert J. Harris, Jr., Private Property Rights Protection Act"; providing for the state land planning agency to receive notice of claims; amending procedures for determining a governmental entity's final decision identifying the allowable uses for a property; providing that enactment of a law or adoption of a regulation does not constitute applying the law or regulation; providing for a waiver of sovereign immunity for liability; providing legislative findings with respect to loss of property values due to the proximity of a regional water reservoir; authorizing a cause of action for a property owner; specifying a period during which a property owner may present a claim for compensation to the governmental entity that constructs, operates, and maintains the reservoir; providing for future repeal of the act; providing

requirements for the offer of compensation by a governmental entity; providing for judicial review under the Bert J. Harris, Jr., Private Property Rights Protection Act; providing for an award of costs and attorney's fees; providing an effective date.

—which was previously reconsidered as amended April 16.

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

Amendment 1 (332882)(with title amendment)—On page 4, line 3 through page 7, line 15, delete those lines and insert:

Section 2. *Private property rights and regional reservoirs.*—

(1) *The Legislature finds that construction of a regional reservoir designed to store more than 10 billion gallons of water may inordinately burden nearby real property because of the proximity of the reservoir and may result in a loss of value for the property owner. Therefore, a regional water supply authority, serving three or fewer counties, that is authorized to construct, operate, and maintain such a regional reservoir shall be deemed a governmental entity under section 70.001, Florida Statutes, the Bert J. Harris, Jr., Private Property Rights Protection Act, for purposes of this section.*

(2) *This section provides a cause of action for the actions of a regional water supply authority, in siting and constructing a reservoir as described in subsection (1), that may not rise to the level of a taking under the State Constitution or the United States Constitution. This section may not necessarily be construed under the case law regarding takings if the action of a regional water supply authority does not rise to the level of a taking. The provisions of this section are cumulative and do not abrogate any other remedy lawfully available, including any remedy lawfully available for the actions of a regional water supply authority that rise to the level of a taking. However, a regional water supply authority may not be liable more than once for compensation due to an action of the regional water supply authority that results in a loss of value for a subject real property.*

(3) *Each owner of real property located within 10,000 feet of the the center of the footprint of a regional reservoir, as described in subsection (1), or 5,500 feet from the exterior of the berm of such reservoir, may present a claim for compensation in writing to the head of the regional water supply authority on or before December 31, 2004, for a loss in property value resulting from the proximity of the reservoir. For each claim presented under this section, section 70.001, Florida Statutes, applies, except when there is conflict with this section, the provisions of this section shall govern.*

(a) *The property owner must submit along with the claim a bona fide, valid appraisal that supports the claim and demonstrates the loss in fair market value to the real property.*

(b) *A claim under this section shall be presented only to the regional water supply authority that is authorized to construct, operate, and maintain the reservoir.*

(4) *The Legislature recognizes that construction and maintenance of a regional reservoir may not necessarily interfere with allowable uses of real property near the reservoir. However, the siting and construction of the reservoir may result in an actual loss to the fair market value of real property located within 10,000 feet of the center of the footprint of the reservoir, or 5,500 feet from the exterior of the berm, because of the proximity of the reservoir. Therefore, any offer of compensation by the regional water supply authority shall be based solely on the loss of value for the property owner as a result of the proximity of the reservoir and not on the effects the reservoir has on existing uses or on a vested right to a specific use of real property.*

(a) *Notwithstanding section 70.001, Florida Statutes, the regional water supply authority to whom a claim is presented shall, not later than 180 days after receiving such claim:*

1. *Make a written offer to purchase the real property if there is more than a 50-percent loss in value to the real property as a result of the proximity of the reservoir and if the property owner is a willing seller;*

2. *Make a written offer to purchase an interest in rights of use which may become transferable development rights to be held, sold, or otherwise disposed of by the regional water supply authority; or*

3. Terminate negotiations.

(b) An offer by the regional water supply authority to purchase the property in fee or purchase an interest in rights of use under this section shall cover the cost of the appraisal required in subsection (3).

(5) During the 180-day period, unless the property owner accepts a written offer for purchase pursuant to subparagraph (4)(a)1. or 2., the regional water supply authority shall issue a final decision stating that:

(a) The real property has a loss in value due to an inordinate burden on the property resulting from the proximity of the reservoir and the regional water supply authority and property owner cannot reach agreement on the amount of compensation; or

(b) The property owner has failed to establish a basis for relief under the provisions of this section and section 70.001, Florida Statutes.

Failure of the regional water supply authority to issue a final decision as required by this subsection shall cause the written offer or termination of negotiations required in subsection (4) to operate as a final decision. As a matter of law, this final decision constitutes the last prerequisite to judicial review of the merits for the purposes of the judicial proceeding provided for in section 70.001, Florida Statutes.

(6) The circuit court, for purposes of this section, shall determine whether, considering the written offer and final decision, the regional water supply authority has inordinately burdened the subject real property. Following a determination that the regional water supply authority has inordinately burdened the real property, the court shall impanel a jury to determine the total amount of compensation to the property owner for the loss in value due to the inordinate burden to the subject real property.

(7) Pursuant to section 70.001, Florida Statutes, the court may award reasonable costs and attorney's fees and the court shall determine the amount. If the court awards the property owner reasonable costs and attorney's fees, the costs shall include the cost of the appraisal required in subsection (3).

(8) This section is repealed effective January 1, 2005. However, the repeal of this section shall not affect a claim filed on or before December 31, 2004.

Section 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 19-26, delete those lines and insert: regional water supply authority that constructs, operates, and maintains the reservoir; providing requirements for the offer of compensation by a regional water supply authority; providing for judicial review under the Bert J. Harris, Jr., Private Property Rights Protection Act; providing for an award of costs and attorney's fees; providing for future repeal of the section; providing severability;

On motion by Senator Pruitt, CS for SB 1164 as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Mr. President	Constantine	Jones
Alexander	Cowin	Klein
Argenziano	Crist	Lawson
Aronberg	Dawson	Lee
Atwater	Diaz de la Portilla	Lynn
Bennett	Dockery	Peaden
Bullard	Fasano	Posey
Campbell	Garcia	Pruitt
Carlton	Geller	Sebesta
Clary	Haridopolos	Siplin

Smith	Webster	Wise
Villalobos	Wilson	
Nays—2		
Margolis	Wasserman Schultz	

Vote after roll call:

Yea—Saunders

SB 732—A bill to be entitled An act relating to the Miami River Commission; repealing s. 7 of ch. 98-402, Laws of Florida; abrogating the repeal of ss. 163.06 and 163.061, F.S., relating to the Miami River Commission; providing an effective date.

—was read the third time by title.

On motion by Senator Villalobos, SB 732 was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Wise

CS for CS for SB 340—A bill to be entitled An act relating to involuntary commitment under the Baker Act; amending s. 394.463, F.S.; providing that a patient admitted for involuntary examination to a hospital may not be released without the approval of the emergency department physician and completion of an involuntary examination; providing an effective date.

—as amended April 16 was read the third time by title.

On motion by Senator Lynn, CS for CS for SB 340 as amended was passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

CS for SB 2672—A bill to be entitled An act relating to per diem and travel expenses; amending s. 112.061, F.S.; establishing per diem and

subsistence ranges for travel expenses of public employees; conforming provisions and deleting obsolete provisions; providing for future adjustments of such rates; providing that counties and district school boards may increase specified rates; providing an effective date.

—was read the third time by title.

Senator Lawson moved the following amendments which were adopted by two-thirds vote:

Amendment 1 (582472)(with title amendment)—On page 17, lines 14-23, delete those lines and insert:

(b) On or before June 30, 2003, and annually thereafter, the specific amounts to be paid, selected from the ranges specified in this section, during the following fiscal year to state travelers for per diem as provided in subparagraph (6)(a)1., subsistence as provided in paragraph (6)(b), and mileage as provided in subparagraph (7)(d)1., shall be established as follows:

- 1. The Attorney General shall establish amounts that apply uniformly to all travel by the Department of Legal Affairs;
2. The Chief Financial Officer shall establish amounts that apply uniformly to all travel by the Department of Financial Services;
3. The Commissioner of Agriculture shall establish amounts that apply uniformly to all travel by the Department of Agriculture;
4. The Governor shall establish amounts that apply uniformly to all travel by executive branch agencies, except as otherwise provided in this paragraph;
5. The presiding officers of the Legislature shall establish amounts that apply uniformly to all travel by legislative branch agencies; and
6. The Chief Justice of the State Supreme Court shall establish amounts that apply uniformly to all travel by judicial branch agencies.

And the title is amended as follows:

On page 1, line 7, after the semicolon (;) insert: specifying agency head responsibilities to establish state traveler rates;

Amendment 2 (770476)(with title amendment)—On page 18, lines 4-12, delete those lines and insert:

(15) APPLICABILITY TO COUNTIES, COUNTY OFFICERS, AND DISTRICT SCHOOL BOARDS.—

(a) Rates that exceed the maximum travel reimbursement rates for nonstate travelers specified in s. 112.061(6)(a) for per diem, in s. 112.061(6)(b) for subsistence, and in s. 112.061(7)(d)1. for mileage may be established by:

- 1. The governing body of a county by the enactment of an ordinance or resolution;
2. A county constitutional officer, pursuant to Article VIII, s. 1.(d) of the State Constitution, by the establishment of written policy; or
3. The governing body of a district school board by the adoption of rules.
(b) Rates established pursuant to paragraph (15)(a) must apply uniformly to all travel by the county, county constitutional officer and entity governed by that officer, or district school board.
(c) Except as otherwise provided in this subsection, counties, county constitutional officers and entities governed by those officers, and district school boards remain subject to the requirements of this section.

And the title is amended as follows:

On page 1, delete line 8 and insert: such rates; providing that counties, county officers, and

On motion by Senator Lawson, CS for SB 2672 as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

Table with 3 columns: Mr. President, Argenziano, Aronberg, Atwater, Bennett, Bullard, Campbell, Carlton, Clary, Constantine, Cowin, Crist, Dawson, Garcia, Geller, Hill, Jones, Klein, Lawson, Lee, Margolis, Miller, Peadar, Posey, Pruitt, Saunders, Sebesta, Siplin, Smith, Villalobos, Wasserman Schultz, Webster, Wilson

Nays—6

Table with 3 columns: Alexander, Dockery, Fasano, Haridopolos, Lynn, Wise

Vote after roll call:

Yea—Diaz de la Portilla

CS for SB 1182—A bill to be entitled An act relating to public records; amending s. 119.071, F.S., relating to an exemption from public-records requirements which applies to certain security system plans; creating an exception to the exemption; providing an effective date.

—was read the third time by title.

On motion by Senator Dockery, CS for SB 1182 was passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

CS for CS for SB 1480—A bill to be entitled An act relating to breaking or damaging fences; amending s. 810.115, F.S.; providing a felony penalty if animals are contained by the fence at the time of the offense; providing an effective date.

—was read the third time by title.

On motion by Senator Alexander, CS for CS for SB 1480 was passed and certified to the House. The vote on passage was:

Yeas—40

Table with 3 columns: Mr. President, Alexander, Argenziano, Aronberg, Atwater, Bennett, Bullard, Campbell, Carlton, Clary, Constantine, Cowin, Crist, Dawson, Diaz de la Portilla, Dockery, Fasano, Garcia, Geller, Haridopolos, Hill, Jones, Klein, Lawson, Lee, Lynn, Margolis, Miller, Peadar, Posey

Pruitt	Smith	Webster
Saunders	Villalobos	Wilson
Sebesta	Wasserman Schultz	Wise
Siplin		

Nays—None

HB 1155—A bill to be entitled An act relating to specialty license plates; amending ss. 320.08056, 320.08058, F.S.; renaming the Challenger license plate as the Challenger/Columbia license plate; providing an effective date.

—was read the third time by title.

On motion by Senator Posey, **HB 1155** was passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

CS for SB 1992—A bill to be entitled An act relating to the Medal of Heroism; providing that designated persons are eligible to receive the Medal of Heroism; providing for application to the Governor; providing an effective date.

—was read the third time by title.

On motion by Senator Argenziano, **CS for SB 1992** was passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

SB 2450—A bill to be entitled An act relating to the Florida Uniform Principal and Income Act; amending s. 738.104, F.S.; revising provisions with respect to the trustee's power to adjust; authorizing the trustee to release certain powers; restricting the power to adjust under certain circumstances; providing for service of notice on a legal representative or natural guardian of a beneficiary without the filing of any proceeding or approval of any court; amending s. 738.1041, F.S.; redefining the term "interested trustee" for the purpose of a provision governing total return

unitrust; providing for notice to be served in a described manner; providing that an objection may be executed by a legal representative or natural guardian without the filing of any proceeding or approval of any court; revising language with respect to power of withdrawal; amending s. 738.202, F.S.; revising provisions with respect to distribution to residuary and remainder beneficiaries; amending s. 738.401, F.S.; revising provisions with respect to character of receipts; providing for retroactive application; providing an effective date.

—was read the third time by title.

On motion by Senator Atwater, **SB 2450** was passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

SB 1768—A bill to be entitled An act relating to publication information; creating s. 283.551, F.S.; prohibiting government agencies from mailing general unsolicited reports to any person in the state; providing exceptions; providing an effective date.

—as amended April 16 was read the third time by title.

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

Amendment 1 (544152)—On page 1, lines 15-23, delete those lines and insert:

(1)(a) Unless otherwise authorized by law, no agency shall mail an unsolicited copy of an annual report or periodic newsletter by United States Postal Service, or other method of delivery, except e-mail, to any person, including an elected or appointed officer or governmental employee, or to any state or local governmental entity. Nothing in this section applies to regulatory newsletters provided to affected persons or to reports or newsletters relating to the prevention or treatment of disease or injury.

(b) Unsolicited agency e-mails authorized by this section must contain a provision that allows the recipient to be removed from future unsolicited agency e-mails upon his or her e-mail request.

On motion by Senator Haridopolos, further consideration of **SB 1768** as amended was deferred.

CS for SB 1994—A bill to be entitled An act relating to road and bridge designations; designating a portion of Interstate 75 as Purple Heart Memorial Highway; designating Dr. Martin Luther King, Jr., Memorial Highway in Hamilton County; designating Nott Circle Roundabout in Suwannee County; designating the Dr. Martin Luther King, Jr., Memorial Highway in Gadsden County; designating the Jim Deaton Memorial Bridge in Duval County; directing the Department of Transportation to erect suitable markers; designating the Darce Taylor Crist Boulevard in Pasco County; directing the Department of Transportation to erect suitable markers; designating the Purple Heart Highway; directing the Department of Transportation to erect suitable markers; providing an effective date.

—as amended April 16 was read the third time by title.

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

Amendment 1 (823226)(with title amendment)—On page 3, between lines 19 and 20, insert:

Section 8. *Steven Cranman Boulevard designated; markers.*—
(1) *That portion of U.S. Highway 1 between S.W. 136th Street and S.W. 186th Street in Miami-Dade County is hereby designated as “Steven Cranman Boulevard.”*
(2) *The Department of Transportation is directed to erect suitable markers designating Steven Cranman Boulevard as described in subsection (1).*

Section 9. *Ethel Beckford Boulevard designated; markers.*—
(1) *That portion of S.W. 186th Street between U.S. Highway 1 and S.W. 107th Avenue in Miami-Dade County is hereby designated as “Ethel Beckford Boulevard.”*
(2) *The Department of Transportation is directed to erect suitable markers designating Ethel Beckford Boulevard as described in subsection (1).*

Section 10. *Phicol Williams Boulevard designated; markers.*—
(1) *That portion of State Road 5, U.S. Highway 1, between S.W. 312th Street and S.W. 328th Street in Miami-Dade County is hereby designated as “Phicol Williams Boulevard.”*
(2) *The Department of Transportation is directed to erect suitable markers designating Phicol Williams Boulevard as described in subsection (1).*

Section 11. *Arthur Mays Boulevard designated; markers.*—
(1) *That portion of S.W. 112th Avenue from U.S. Highway 1 to S.W. 230th Street in Miami-Dade County is hereby designated as “Arthur Mays Boulevard.”*
(2) *The Department of Transportation is directed to erect suitable markers designating Arthur Mays Boulevard as described in subsection (1).*

Section 12. *Judge Steve Levine Boulevard designated; markers.*—
(1) *That portion of U.S. Highway 1 between S.W. 232nd Street and S.W. 248th Street in Miami-Dade County is hereby designated as “Judge Steve Levine Boulevard.”*
(2) *The Department of Transportation is directed to erect suitable markers designating Judge Steve Levine Boulevard as described in subsection (1).*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 18, after the semicolon (;) insert: designating the Steven Cranman Boulevard in Miami-Dade County; directing the Department of Transportation to erect suitable markers; designating Ethel Beckford Boulevard in Miami-Dade County; directing the Department of Transportation to erect suitable markers; designating Phicol Williams Boulevard in Miami-Dade County; directing the Department of Transportation to erect suitable markers; designating Arthur Mays Boulevard in Miami-Dade County; directing the Department of Transportation to erect suitable markers; designating the Judge Steve Levine Boulevard in Miami-Dade County; directing the Department of Transportation to erect suitable markers;

MOTION

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

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

Amendment 2 (752424)(with title amendment)—On page 3, between lines 19 and 20, insert:

Section 6. *Martin L. King, Jr., Drive designated; Department of Transportation to erect suitable markers.*—

(1) *That portion of State Road 50 from Ocoee to State Road 436 in Orange County is designated as Martin L. King, Jr., Drive.*
(2) *The Department of Transportation is directed to erect suitable markers designating Martin L. King, Jr., Drive as described in subsection (1).*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 12, after the semicolon (;) insert: designating a portion of State Road 50 in Orange County as Martin L. King, Jr., Drive; directing the Department of Transportation to erect suitable markers;

On motion by Senator Argenziano, **CS for SB 1994** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Jones

SB 1862—A bill to be entitled An act relating to community development districts; amending s. 190.011, F.S.; providing for such districts to collect ground rent from owners of long-term ground leases with governmental entities; authorizing contracts between a district and the county tax collector for collection of such ground rent; providing an effective date.

—as amended April 16 was read the third time by title.

On motion by Senator Diaz de la Portilla, **SB 1862** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Pruitt

CS for SB 1750—A bill to be entitled An act relating to state road designations; designating a portion of State Road 63 in Gadsden County as the “Dr. Martin Luther King, Jr., Memorial Highway”;

—as amended April 16 was read the third time by title.

On motion by Senator Lawson, CS for SB 1750 as amended was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Pruitt

CS for SB 2078—A bill to be entitled An act relating to medical practice; creating s. 458.3137, F.S.; authorizing issuance of temporary certificates for visiting physicians to obtain medical privileges for instructional purposes in conjunction with certain plastic surgery training programs and plastic surgery educational symposiums;

—was read the third time by title.

On motion by Senator Villalobos, CS for SB 2078 was passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

Consideration of CS for CS for SB 2152 was deferred.

CS for SB 2156—A bill to be entitled An act relating to the Florida High School Activities Association; amending s. 1006.18, F.S.; providing technical revisions; amending s. 1006.20, F.S.; renaming the association as the Florida High School Athletic Association;

—as amended April 16 was read the third time by title.

On motion by Senator Diaz de la Portilla, CS for SB 2156 as amended was passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

CS for SB 2170—A bill to be entitled An act relating to charter school districts; amending s. 1003.62, F.S.; providing additional criteria for the establishment of a charter school district; providing for renewal of the charter; providing an effective date.

—was read the third time by title.

MOTION

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

Senators Wasserman Schultz and Wilson offered the following amendment which was moved by Senator Wasserman Schultz and adopted by two-thirds vote:

Amendment 1 (793678)—On page 2, lines 13-17, delete those lines and insert: earning a grade of “D” or “F.” The charter for a school district that qualifies based on school grades applies for 2 full school years after qualification and shall be extended by 1 year for each year that the district continues to qualify based on the school grades within the district.

On motion by Senator Posey, CS for SB 2170 as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Table with 3 columns: Mr. President, Carlton, Fasano, Alexander, Clary, Garcia, Argenziano, Constantine, Geller, Aronberg, Cowin, Haridopolos, Atwater, Crist, Hill, Bennett, Dawson, Jones, Bullard, Diaz de la Portilla, Klein, Campbell, Dockery, Lawson

Lee	Pruitt	Villalobos
Margolis	Saunders	Wasserman Schultz
Miller	Sebesta	Webster
Peaden	Siplin	Wilson
Posey	Smith	Wise

Wasserman Schultz	Wilson	Wise
Webster		
Nays—None		

Nays—1

Lynn

CS for SB 2036—A bill to be entitled An act relating to the Uniform Commercial Code; amending s. 672.316, F.S.; revising provisions relating to implied warranties of merchantability and fitness in the procurement, processing, storage, distribution, or use of blood, plasma, blood products, and blood derivatives; providing an effective date.

—was read the third time by title.

On motion by Senator Smith, **CS for SB 2036** was passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

Consideration of **SB 2466** was deferred.

CS for SB 2618—A bill to be entitled An act relating to health regulation; amending s. 468.352, F.S.; revising and providing definitions applicable to the regulation of respiratory therapy; amending s. 468.355, F.S.; revising provisions relating to respiratory therapy licensure and testing requirements; amending s. 468.368, F.S.; revising exemptions from respiratory therapy licensure requirements; repealing s. 468.356, F.S., relating to the approval of educational programs; repealing s. 468.357, F.S., relating to licensure by examination; providing effective dates.

—was read the third time by title.

On motion by Senator Saunders, **CS for SB 2618** was passed and certified to the House. The vote on passage was:

Yeas—40

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

Yeas—40

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

Nays—None

CS for SB 2630—A bill to be entitled An act relating to highway designations; designating a portion of U.S. Highway 192 as “Howard E. Futch Memorial Highway”; providing for the erection of markers; providing an effective date.

—was read the third time by title.

On motion by Senator Crist, **CS for SB 2630** was passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 1031—A bill to be entitled An act relating to a public records exemption for the Florida Kidcare program; amending s. 409.821, F.S.; expanding the exemption for identifying information of applicants to the Florida Kidcare program to provide that any information identifying a program applicant or enrollee held by the Agency for Health Care Administration, the Department of Children and Family Services, the Department of Health, and the Florida Healthy Kids Corporation is confidential and exempt; providing for disclosure of such information to governmental entities under certain circumstances; providing a penalty for

unlawful disclosure of such information; adding clarifying language; making editorial changes; providing for retroactive application; removing the October 2, 2003, repeal of the exemption scheduled pursuant to the Open Government Sunset Review Act of 1995; providing for future review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

—was read the third time by title.

On motion by Senator Saunders, **HB 1031** was passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

SB 1634—A bill to be entitled An act relating to the sale of real property; amending s. 689.26, F.S.; revising certain requirements for disclosures that must be provided to prospective purchasers; providing an effective date.

—as amended April 16 was read the third time by title.

On motion by Senator Fasano, **SB 1634** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 1033—A bill to be entitled An act relating to public records and public meetings exemptions for the Statewide Provider and Subscriber Assistance Program within the Agency for Health Care Administration; amending s. 408.7056, F.S., which provides exemptions from public records and public meetings requirements for information held by the Agency for Health Care Administration, the Department of Insurance, or the Statewide Provider and Subscriber Assistance Panel that identifies a subscriber to a managed health care entity and for portions of meetings of a provider and subscriber assistance panel during which information disclosing a subscriber’s medical treatment or history or information relating to specified internal risk management programs may be revealed; narrowing the exemption; eliminating the exemption for identifying information of a subscriber’s spouse, relative, or guardian; providing an exception to the exemption; adding clarifying language; making editorial changes; removing the October 2, 2003, repeal

thereof scheduled under the Open Government Sunset Review Act of 1995; providing an effective date.

—was read the third time by title.

On motion by Senator Saunders, **HB 1033** was passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

CS for SB 668—A bill to be entitled An act relating to license plates; amending ss. 320.08056, 320.08058, F.S.; creating a Fish Florida license plate; providing for the distribution of annual use fees received from the sale of such plates; providing an effective date.

—as amended April 16 was read the third time by title.

On motion by Senator Pruitt, **CS for SB 668** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

SB 640—A bill to be entitled An act relating to license plates; amending ss. 320.08056, 320.08058, F.S.; creating a series of Military Services license plates; providing for the distribution of annual use fees received from the sale of such plates; providing a contingent effective date.

—as amended April 16 was read the third time by title.

On motion by Senator Fasano, **SB 640** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

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

Hill	Miller	Smith
Jones	Peaden	Villalobos
Klein	Posey	Wasserman Schultz
Lawson	Pruitt	Webster
Lee	Saunders	Wilson
Lynn	Sebesta	Wise
Margolis	Siplin	
Nays—2		
Campbell	Constantine	

CS for SB 1426—A bill to be entitled An act relating to governmental per diem and travel expenses; amending s. 166.021, F.S.; providing definitions; authorizing municipalities and agencies thereof to adopt per diem and travel expense policies for travelers, notwithstanding s. 112.061, F.S.; providing for retroactive application; providing for applicability of s. 112.061, F.S., if per diem and travel expense policies are or are not adopted; providing for offenses related to false or fraudulent travel claims; providing misdemeanor penalties; providing for civil liability; amending s. 112.061, F.S.; establishing per diem and subsistence ranges for travel expenses of public employees; conforming provisions and deleting obsolete provisions; providing for future adjustments of such rates; providing that counties, district school boards, and certain special districts may increase specified rates; providing effective dates.

—as amended April 16 was read the third time by title.

Senator Lawson moved the following amendments which were adopted by two-thirds vote:

Amendment 1 (265600)(with title amendment)—On page 20, line 27 through page 21, line 5, delete those lines and insert:

(b) On or before June 30, 2003, and annually thereafter, the specific amounts to be paid, selected from the ranges specified in this section, during the following fiscal year to state travelers for per diem as provided in subparagraph (6)(a)1., subsistence as provided in paragraph (6)(b), and mileage as provided in subparagraph (7)(d)1., shall be established as follows:

1. The Attorney General shall establish amounts that apply uniformly to all travel by the Department of Legal Affairs;
2. The Chief Financial Officer shall establish amounts that apply uniformly to all travel by the Department of Financial Services;
3. The Commissioner of Agriculture shall establish amounts that apply uniformly to all travel by the Department of Agriculture;
4. The Governor shall establish amounts that apply uniformly to all travel by executive branch agencies, except as otherwise provided in this paragraph;
5. The presiding officers of the Legislature shall establish amounts that apply uniformly to all travel by legislative branch agencies; and
6. The Chief Justice of the State Supreme Court shall establish amounts that apply uniformly to all travel by judicial branch agencies.

And the title is amended as follows:

On page 1, line 18, after the semicolon (;) insert: specifying agency head responsibilities to establish state traveler rates;

Amendment 2 (671258)(with title amendment)—On page 21, lines 17-27, delete those lines and insert:

(15) APPLICABILITY TO COUNTIES, COUNTY OFFICERS, DISTRICT SCHOOL BOARDS, AND SPECIAL DISTRICTS.—

(a) Rates that exceed the maximum travel reimbursement rates for nonstate travelers specified in s. 112.061(6)(a) for per diem, in s. 112.061(6)(b) for subsistence, and in s. 112.061(7)(d)1. for mileage may be established by:

1. The governing body of a county by the enactment of an ordinance or resolution;

2. A county constitutional officer, pursuant to Article VIII, s.1.(d) of the State Constitution, by the establishment of written policy;

3. The governing body of a district school board by the adoption of rules; or

4. The governing body of a special district, as defined in s. 189.403(1), except those special districts that are subject to s. 166.021(10), by the enactment of a resolution.

(b) Rates established pursuant to paragraph (15)(a) must apply uniformly to all travel by the county, county constitutional officer and entity governed by that officer, district school board, or special district.

(c) Except as otherwise provided in this subsection, counties, county constitutional officers and entities governed by those officers, district school boards, and special districts, other than those subject to s. 166.021(10), remain subject to the requirements of this section.

And the title is amended as follows:

On page 1, delete line 19 and insert: such rates; providing that counties, county officers, district

On motion by Senator Posey, **CS for SB 1426** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34		
Mr. President	Dawson	Posey
Argenziano	Diaz de la Portilla	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	Klein	Villalobos
Carlton	Lawson	Wasserman Schultz
Clary	Lee	Webster
Constantine	Margolis	Wilson
Cowin	Miller	
Crist	Peaden	

Nays—6		
Alexander	Fasano	Lynn
Dockery	Haridopolos	Wise

CS for SB 262—A bill to be entitled An act relating to local governments; amending s. 253.034, F.S.; providing for the disposition of certain surplus state lands; amending s. 274.02, F.S.; revising a definition to increase the monetary value of fixtures and tangible personal property that must be included in an inventory of property; repealing s. 274.12, F.S., relating to disposition of surplus property; providing an effective date.

—as amended April 16 was read the third time by title.

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

Amendment 1 (843190)—On page 3, line 8, delete “July” and insert: August

On motion by Senator Geller, **CS for SB 262** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40		
Mr. President	Campbell	Diaz de la Portilla
Alexander	Carlton	Dockery
Argenziano	Clary	Fasano
Aronberg	Constantine	Garcia
Atwater	Cowin	Geller
Bennett	Crist	Haridopolos
Bullard	Dawson	Hill

Jones	Peaden	Villalobos
Klein	Posey	Wasserman Schultz
Lawson	Pruitt	Webster
Lee	Saunders	Wilson
Lynn	Sebesta	Wise
Margolis	Siplin	
Miller	Smith	

Nays—None

CS for SB 1098—A bill to be entitled An act relating to the rights of members of the United States Armed Forces, the United States Reserve Forces, and the Florida National Guard; amending s. 83.67, F.S.; prohibiting a landlord from discriminating against a member in offering a dwelling unit or in any terms of a rental agreement; amending s. 83.682, F.S.; providing conditions under which a member may terminate his or her rental agreement; revising liability in the event of early termination of a tenancy; amending s. 115.09, F.S.; requiring the granting of leave of absence for state, county, and municipal officials who are members of the National Guard or a reserve component of the Armed Forces; amending s. 115.14, F.S.; requiring the granting of leave of absence for state, county, and municipal employees; revising provisions with respect to supplemental pay; creating s. 250.015, F.S.; providing legislative intent; creating s. 250.035, F.S.; providing for the applicability of federal law; creating s. 520.14, F.S.; providing conditions under which a member may terminate his or her retail installment contract for leasing a motor vehicle; amending s. 627.7283, F.S.; requiring an insurer to refund the entire unearned premium to any member of the United States Armed Forces who cancels a policy under certain circumstances; creating s. 689.27, F.S., providing requirements and procedure with respect to the termination by a member of the United States Armed Services, the United States Reserve Forces, or the Florida National Guard of an agreement to purchase real property; amending s. 1009.531, F.S.; extending eligibility for, and use of, scholarships under the Florida Bright Futures Program based on military service; providing an effective date.

—as amended April 16 was read the third time by title.

On motion by Senator Fasano, **CS for SB 1098** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

The Senate resumed consideration of—

SB 1768—A bill to be entitled An act relating to publication information; creating s. 283.551, F.S.; prohibiting government agencies from mailing general unsolicited reports to any person in the state; providing exceptions; providing an effective date.

—which was previously considered and amended this day.

RECONSIDERATION OF AMENDMENT

On motion by Senator Aronberg, the Senate reconsidered the vote by which **Amendment 1 (544152)** was adopted.

MOTION

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

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

Amendment 2 (862672)—On page 1, lines 15-23, delete those lines and insert:

(1)(a) Unless otherwise authorized by law, no agency shall mail an unsolicited copy of an annual report or periodic newsletter by United States Postal Service, or other method of delivery, except e-mail, to any person, including an elected or appointed officer or governmental employee, except for any state elected or appointed state officer or state legislative employee. Nothing in this section applies to regulatory newsletters provided to affected persons or to reports or newsletters relating to the prevention or treatment of disease or injury.

(b) Unsolicited agency e-mails authorized by this section must contain a provision that allows the recipient to be removed from future unsolicited agency e-mails upon his or her e-mail request.

On motion by Senator Haridopolos, **SB 1768** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

INTRODUCTION OF FORMER SENATOR

The President introduced former Senator and the current Mayor of Orlando, Buddy Dyer, who was present in the chamber.

Consideration of **CS for SB 54** was deferred.

SB 1632—A bill to be entitled An act relating to county governments; amending s. 125.01, F.S.; providing additional powers for county governing bodies with respect to taxing and benefit units within the county; providing an effective date.

—as amended April 16 was read the third time by title.

Senator Fasano moved the following amendment:

Amendment 1 (604516)(with title amendment)—On page 2, between lines 12 and 13, insert:

Section 2. Subsection (1) of section 720.303, Florida Statutes, is amended to read:

720.303 Association powers and duties; meetings of board; official records; budgets; financial reporting.—

(1) **POWERS AND DUTIES.**—An association which operates a community as defined in s. 720.301, must be operated by an association that

is a Florida corporation. After October 1, 1995, the association must be incorporated and the initial governing documents must be recorded in the official records of the county in which the community is located. An association may operate more than one community. The officers and directors of an association have a fiduciary relationship to the members who are served by the association. The powers and duties of an association include those set forth in this chapter and, except as expressly limited or restricted in this chapter, those set forth in the governing documents. *After control of the association is obtained by unit owners other than the developer, the association may institute, maintain, settle, or appeal actions or hearings in its name on behalf of all members concerning matters of common interest to the members, including, but not limited to, the common areas; roof or structural components of a building, or other improvements for which the association is responsible; mechanical, electrical, or plumbing elements serving an improvement or building for which the association is responsible; representations of the developer pertaining to any existing or proposed commonly used facility; and protesting ad valorem taxes on commonly used facilities. The association may defend actions in eminent domain or bring inverse condemnation actions. Before commencing litigation against any party in the name of the association involving amounts in excess of \$100,000, the association must obtain the affirmative approval of a majority of the voting interests at a meeting of the membership at which a quorum has been attained. This subsection does not limit any statutory or common-law right of any individual member or class of members to bring any action without participation by the association. A member does not have authority to act for the association by virtue of being a member. An association may have more than one class of members and may issue membership certificates.*

Section 3. Subsection (1) of section 720.306, Florida Statutes, is amended to read:

720.306 Meetings of members; voting and election procedures; amendments.—

(1) QUORUM; AMENDMENTS.—

(a) Unless a lower number is provided in the bylaws, the percentage of voting interests required to constitute a quorum at a meeting of the members shall be 30 percent of the total voting interests. Unless otherwise provided in this chapter or in the articles of incorporation or bylaws, decisions that require a vote of the members must be made by the concurrence of at least a majority of the voting interests present, in person or by proxy, at a meeting at which a quorum has been attained.

(b) Unless otherwise provided in the governing documents or required by law, and other than those matters set forth in paragraph (c), any governing document of an association may be amended by the affirmative vote of two-thirds of the voting interests of the association.

(c) Unless otherwise provided in the governing documents as originally recorded or permitted by this chapter or chapter 617, an amendment may not materially and adversely alter the proportionate voting interest appurtenant to a parcel or increase the proportion or percentage by which a parcel shares in the common expenses of the association affect vested rights unless the record parcel owner of the affected parcel and all record owners of liens on the affected parcels join in the execution of the amendment. For purposes of this section, a change in quorum requirements is not an alteration of voting interests.

Section 4. Subsection (1) of section 712.05, Florida Statutes, is amended to read:

712.05 Effect of filing notice.—

(1) Any person claiming an interest in land or a homeowners' association desiring to preserve any covenant or restriction or any portion of a covenant or restriction may preserve and protect the same from extinguishment by the operation of this act by filing for record, during the 30-year period immediately following the effective date of the root of title, a notice, in writing, in accordance with the provisions hereof, which notice shall have the effect of so preserving such claim of right or such covenant or restriction or portion of such covenant or restriction for a period of not longer than 30 years after filing the same unless again filed as required herein. No disability or lack of knowledge of any kind on the part of anyone shall delay the commencement of or suspend the running of said 30-year period. Such notice may be filed for record by the claimant or by any other person acting on behalf of any claimant who is:

- (a) Under a disability,
- (b) Unable to assert a claim on his or her behalf, or
- (c) One of a class, but whose identity cannot be established or is uncertain at the time of filing such notice of claim for record.

Such notice may be filed by a homeowners' association only if the preservation of such covenant or restriction or portion of such covenant or restriction is approved by at least two-thirds of the members of the board of directors of an incorporated homeowners' association at a meeting for which a notice, stating the time and place of the meeting and containing the Statement of Marketable Record Title Action described in s. 712.06(1)(b), was mailed or hand-delivered to members of the homeowners' association not less than 7 days before the meeting ~~a majority vote at a meeting of the membership where a quorum is present.~~

Section 5. Paragraphs (b) and (e) of subsection (1) of section 712.06, Florida Statutes, are amended to read:

712.06 Contents of notice; recording and indexing.—

(1) To be effective, the notice above referred to shall contain:

(b) The name and post office address of an owner, or the name and post office address of the person in whose name said property is assessed on the last completed tax assessment roll of the county at the time of filing, who, for the purpose of such notice, shall be deemed to be an owner; *however, if a homeowners' association is filing the notice, the requirements of this paragraph may be satisfied by attaching to and recording with the notice an affidavit executed by the appropriate member of the homeowners' association board of directors affirming that the board of directors of the homeowners' association caused a statement in substantially the following form to be mailed or hand-delivered to the homeowners' association's members.*

STATEMENT OF MARKETABLE TITLE ACTION

The (name of homeowners' association) (the "Association") has taken action to ensure that the (name of declaration, covenant, or restriction) recorded in Official Records Book, Page of the public records of County, Florida, as may be amended from time to time, currently burdening the property of each and every member of the Association, retains its status as the source of marketable title with regard to the transfer of a member's residence. To this end, the Association shall cause the notice required by chapter 712, Florida Statutes, to be recorded in the public records of County, Florida. Copies of this notice and its attachments are available through the Association pursuant to the Association's governing documents regarding official records of the Association.

(e) If such claim is based upon an instrument of record or a recorded covenant or restriction, such instrument of record or recorded covenant or restriction is considered to ~~shall~~ be sufficiently described to identify the same if the notice includes a, ~~including~~ reference to the book and page in which the same is recorded.

Section 6. Section 5 does not apply to or affect any vested rights recognized by a court order or judgment in litigation commenced prior to July 1, 2003. Any vested right so recognized may not be subsequently altered without the consent of the affected parcel owners.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 5, after the semicolon (;) insert: amending s. 720.303, F.S.; providing powers for associations controlled by unit owners other than the developer; amending s. 720.306, F.S.; prohibiting certain amendments to bylaws of the associations; amending s. 712.05, F.S.; providing for the board of directors of a homeowners' association to preserve covenants or restrictions through an extraordinary vote; amending s. 712.06, F.S.; providing notice requirements for homeowners' associations; providing applicability;

On motion by Senator Fasano, further consideration of **SB 1632** with pending **Amendment 1 (604516)** was deferred.

SB 424—A bill to be entitled An act relating to Indian reservations; amending s. 285.16, F.S.; specifying that the state's jurisdiction over

criminal offenses committed within Indian reservations does not apply to Indian reservations of the Miccosukee Tribe of Indians of Florida; providing an exception for such reservations with respect to the applicability of civil and criminal laws of the state; providing an effective date.

—was read the third time by title.

On motion by Senator Smith, **SB 424** was passed and certified to the House. The vote on passage was:

Yeas—32

Mr. President	Dockery	Miller
Alexander	Fasano	Peadar
Aronberg	Garcia	Pruitt
Atwater	Geller	Saunders
Bennett	Haridopolos	Sebesta
Campbell	Hill	Siplin
Clary	Jones	Smith
Cowin	Klein	Villalobos
Crist	Lawson	Wasserman Schultz
Dawson	Lee	Wilson
Diaz de la Portilla	Margolis	

Nays—6

Argenziano	Constantine	Posey
Carlton	Lynn	Webster

Vote after roll call:

Nay—Bullard

The Senate resumed consideration of—

SB 1632—A bill to be entitled An act relating to county governments; amending s. 125.01, F.S.; providing additional powers for county governing bodies with respect to taxing and benefit units within the county; providing an effective date.

—which was previously considered this day. Pending **Amendment 1 (604516)** by Senator Fasano was withdrawn.

On motion by Senator Fasano, **SB 1632** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable James E. “Jim” King, Jr., President

I am directed to inform the Senate that the House of Representatives has passed SB 2500, with amendment(s), and requests the concurrence of the Senate or, failing to concur, requests the Senate to appoint a committee of conference to meet with a like committee appointed by the Speaker to resolve differences between the houses.

John B. Phelps, Clerk

SB 2500—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 2003, and ending June 30, 2004, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

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

On motion by Senator Pruitt, the Senate refused to concur in the House amendment and acceded to the request for a conference committee. The action of the Senate was certified to the House.

The Honorable James E. “Jim” King, Jr., President

I am directed to inform the Senate that the House of Representatives has passed SB 2502, with amendment(s), and requests the concurrence of the Senate or, failing to concur, requests the Senate to appoint a committee of conference to meet with a like committee appointed by the Speaker to resolve differences between the houses.

John B. Phelps, Clerk

SB 2502—A bill to be entitled An act implementing the 2003-2004 General Appropriations Act; providing legislative intent; providing accounting requirements for the state universities for the 2003-2004 fiscal year; amending ss. 430.204 and 430.205, F.S.; requiring the Department of Elderly Affairs to fund certain community care services and core services for the elderly; amending s. 216.292, F.S.; authorizing the Department of Children and Family Services to transfer funds within the family safety program; amending s. 295.182, F.S.; authorizing contributions to the Florida World War II Veterans Memorial Matching Trust Fund from public bodies; amending s. 561.121, F.S.; providing that moneys in the Children and Adolescents Substance Abuse Trust Fund may also be used for the purpose of funding programs directed at reducing and eliminating substance abuse problems among adults; amending s. 409.1671, F.S.; authorizing the Department of Children and Family Services to combine current community-based care lead agency contracts for Sarasota, Manatee, and DeSoto Counties into a single contract; authorizing the Department of Children and Family Services to enter into a contract to finance, design, construct, and operate the South Florida Evaluation and Treatment Center; providing for an extended contract period; authorizing financing for the project; amending s. 216.181, F.S.; authorizing the Department of Law Enforcement to transfer positions and associated budgets and a certain percentage of salary rate between budget entities and providing requirements with respect thereto; authorizing the Correctional Privatization Commission to make certain expenditures to defray costs incurred by a municipality or county as a result of opening or operating a facility under authority of the commission or the Department of Juvenile Justice; amending s. 16.555, F.S.; authorizing use of the Crime Stoppers Trust Fund to pay for salaries and benefits and other expenses of the Department of Legal Affairs; amending s. 985.4075, F.S.; prohibiting the use of juvenile justice appropriations made for operations as one-time startup funding for fixed capital outlay; amending s. 216.262, F.S.; providing for additional positions to operate additional prison bed capacity under certain circumstances; amending s. 287.161, F.S.; requiring the Department of Management Services to charge all persons receiving transportation from the executive aircraft pool a specified rate; amending s. 110.116, F.S.; authorizing the Department of Management Services to contract with a vendor to provide a personnel information system; amending s. 110.2035, F.S.; deleting provisions authorizing the Department of Management Services to adopt emergency rules to implement a classification and compensation program; amending s. 43 of chapter 2002-402, Laws of Florida, delaying the expiration of certain changes to s. 110.2035, F.S., relating to the classification and compensation program; amending s. 110.12315, F.S.; providing copayment requirements for the state employees’ prescription drug program; amending s. 110.1239, F.S.; providing requirements for the funding of the state group health insurance program; amending s. 112.061, F.S.; providing for computation of travel time and reimbursement for public officers’ and employees’ travel; amending s. 121.71, F.S.; providing for recognition and usage of current available excess assets of the Florida Retirement System Trust Fund to offset employer contribution rates for the Florida Retirement System; amending s. 468.404, F.S.; requiring talent agency license fees equal to costs of regulation; amending s. 252.373, F.S.; providing for use of funds of the Emergency Management, Preparedness, and Assistance Trust

Fund, including the use of certain funds as state matching funds for federally approved Hazard Mitigation Grant Program projects; amending s. 402.3017, F.S.; providing for administration of the Teacher Education and Compensation Helps (TEACH) scholarship program by the Agency for Workforce Innovation; amending s. 411.01, F.S.; providing priority for placement of children in the school readiness program; amending s. 288.063, F.S.; providing for funds for certain transportation projects approved by the Office of Tourism, Trade, and Economic Development to be subject to reversion; amending s. 320.08058, F.S.; authorizing proceeds from the Professional Sports Development Trust Fund to be used for operational expenses of the Florida Sports Foundation and financial support of the Sunshine State Games; amending s. 339.08, F.S.; transferring \$200 million from the State Transportation Trust Fund to the General Revenue Fund; reducing the amount transferred from certain transportation calculation requirements; amending s. 443.036, F.S.; providing a definition and an application of an alternative base period for unemployment compensation; providing requirements and limitations; requiring employers to respond to requests for information by the Agency for Workforce Innovation; providing a penalty for failure to respond; providing for adjustments in determinations of monetary eligibility; amending s. 61 of chapter 2002-402, Laws of Florida, delaying the expiration of certain changes to s. 215.20, F.S., relating to the contributions of certain trust funds to the General Revenue Fund; amending s. 63 of chapter 2002-402, Laws of Florida; delaying the expiration of certain changes to s. 215.22, F.S., relating to an exemption from appropriation provided for certain trust funds; amending s. 65 of chapter 2002-402, Laws of Florida; delaying the expiration of certain changes to s. 18.10, F.S., relating to deposits and investments of state money; amending s. 67 of chapter 2002-402, Laws of Florida; delaying the expiration of certain changes to s. 18.125, F.S., relating to the investment of certain trust funds; amending s. 69 of chapter 2002-402, Laws of Florida; delaying the expiration of certain changes to s. 14.2015, F.S., relating to the Economic Development Trust Fund; amending s. 71 of chapter 2002-402, Laws of Florida; delaying the expiration of certain changes to s. 240.4075, F.S., relating to the Nursing Student Loan Forgiveness Program; amending s. 73 of chapter 2002-402, Laws of Florida; delaying the expiration of certain changes to s. 385.207, F.S., relating to care and assistance of persons with epilepsy; amending s. 75 of chapter 2002-402, Laws of Florida; delaying the expiration of certain changes to s. 860.158, F.S., relating to the interest earned on moneys in the Florida Motor Vehicle Theft Prevention Trust Fund; amending s. 77 of chapter 2002-402, Laws of Florida; delaying the expiration of certain changes to s. 938.01, F.S., relating to the interest earned on certain trust funds; reenacting s. 215.32(2)(b), F.S., to implement the transfer of moneys to the Working Capital Fund from certain trust funds; providing for the effect of a veto of a specific appropriation or proviso to which implementing provisions refer; providing applicability to other legislation; incorporating by reference specified performance measures and standards directly linked to the appropriations made in the 2002-2004 General Appropriations Act, as required by the Government Performance and Accountability Act of 1994; providing for severability; providing effective dates.

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

On motion by Senator Pruitt, the Senate refused to concur in the House amendment and acceded to the request for a conference committee. The action of the Senate was certified to the House.

CONFEREES ON SB 2500 AND SB 2502 APPOINTED

The President appointed the following conferees on **SB 2500** and **SB 2502**: Senator Pruitt, Chair; Senator Wasserman Schultz, Vice Chair; Senators Diaz de la Portilla, Jones, Klein and Lee, At-Large Members; Subcommittee on Article V Implementation and Judiciary: Senator Smith, Chair; Senators Aronberg, Haridopolos, Villalobos and Wise; Subcommittee on Criminal Justice: Senator Crist, Chair; Senators Argenziano, Constantine, Dawson and Fasano; Subcommittee on Education: Senator Carlton, Chair; Senators Bennett, Cowin and Miller; Subcommittee on General Government: Senator Clary, Chair; Senators Bullard, Dockery, Lawson and Lynn; Subcommittee on Health and Human Services: Senator Peaden, Chair; Senators Garcia and Wilson; Subcommittee on Transportation and Economic Development: Senator Webster, Chair; Senators Atwater, Hill, Sebesta and Siplin.

The action of the Senate was certified to the House.

SPECIAL ORDER CALENDAR

Consideration of **CS for CS for CS for SB 560 and CS for SB 2080, CS for CS for CS for SB 562 and SB 1912, CS for CS for CS for SB 564, SB 2120 and SB 2620, CS for CS for SB 566, CS for SB 274 and CS for SB 1942** was deferred.

SENATOR WEBSTER PRESIDING

On motion by Senator Pruitt—

CS for SB 2016—A bill to be entitled An act relating to funeral directing, embalming, direct disposition, and cemetery services; amending s. 20.121, F.S.; establishing the Division of Funeral, Cemetery, and Consumer Services within the Department of Financial Services; amending s. 20.165, F.S.; abolishing the Board of Funeral Directors and Embalmers within the Department of Business and Professional Regulation; amending ss. 497.005 and 470.002, F.S.; providing definitions; amending s. 497.101, F.S.; creating the Board of Funeral, Cemetery, and Consumer Services; providing for the appointment of board members; providing terms of office; providing immunity from liability for members acting in an official capacity; specifying the headquarters for the board; providing for compensation and reimbursement for per diem expenses; creating s. 497.102, F.S.; providing for the authority of the board; creating s. 497.1021, F.S.; providing duties of the Division of Funeral, Cemetery, and Consumer Services; providing powers of enforcement; creating s. 497.1022, F.S.; establishing the office of the director of the division; providing duties to the Chief Financial Officer under chapters 470 and 497, F.S.; providing for type two transfer of the Board of Funeral Directors and Embalmers to the Department of Financial Services; providing for validity of judicial and administrative actions; providing for validity of licenses; providing for continuity of rules; abolishing the Board of Funeral and Cemetery Services and the Board of Funeral Directors and Embalmers; providing for deposit of fees; providing for conforming of statutes; amending s. 470.002, F.S.; revising and providing definitions; amending s. 470.0085, F.S.; extending the embalmer apprentice period; amending s. 470.018, F.S.; increasing continuing education requirement; amending s. 470.021, F.S.; providing additional requirements to be a direct disposal establishment; providing inspection requirements and criteria; amending s. 470.024, F.S.; revising requirements to be a funeral establishment; amending s. 470.025, F.S.; revising cremation requirements for incinerator facilities relating to simultaneous cremations, body parts, cremation containers, and the cremation chamber; providing exemption from liability for unintentional or incidental commingling of remains under certain conditions; amending s. 470.0255, F.S.; providing for cremation of parts of human bodies incidental to final disposition; amending s. 470.028, F.S.; providing for control and supervision of preneed agents; amending s. 470.029, F.S.; extending the filing time for reports of bodies embalmed or handled; amending s. 470.0294, F.S.; expanding authority of legally authorized persons with respect to fetal remains; amending s. 470.031, F.S.; prohibiting any guarantee on the future price of any goods or services; providing penalties; amending s. 470.0355, F.S.; revising requirements for identification of human remains prior to final disposition; providing requirements for identification of human remains in licensed and unlicensed cemeteries and by direct disposal establishments; reenacting s. 470.036, F.S., relating to disciplinary proceedings, to incorporate the amendment to s. 470.031, F.S., in a reference thereto; amending s. 497.005, F.S.; revising and providing definitions; amending s. 497.305, F.S.; requiring that a cemetery company comply with its adopted bylaws; creating s. 497.306, F.S.; providing dimension and spacing standards for grave spaces; requiring a map of reference markers and a land survey for areas proposed to be developed by a licensed cemetery company, exempting adult grave spaces previously established; creating s. 497.307, F.S.; providing requirements for identification of human remains in licensed cemeteries; amending s. 497.325, F.S.; providing for procedures established by other entities operating a cemetery; amending s. 497.333, F.S.; providing for disclosure of certain information to customers; amending s. 497.361, F.S.; providing for certification of monument establishments; providing for approval of contracts; creating s. 497.365, F.S.; providing for regulation of monument establishments by the Department of Financial Services; providing for inspections; providing for rules; providing that the department may not unreasonably restrict commerce; creating s. 497.371, F.S.; providing for specifications for business locations; creating s. 497.379, F.S.; providing for licensure of monument establishments to

sell preneed contracts; creating s. 497.385, F.S.; providing for registration of monument sales representatives; creating s. 497.391, F.S.; providing for approval of preneed contracts by the board; creating s. 497.395, F.S.; providing financial requirements for monument establishments; providing requirements for minimum net worth; providing for submission of financial statements; providing for minimum sales volume with respect to preneed contracts; providing for guarantee agreements; providing for additional oversight in lieu of financial requirements; amending s. 497.405, F.S.; prohibiting any person from advertising for sale or making any arrangement for a preneed contract without having a valid certificate of authority; expanding the exemption from the required certificate of authority for certain religious-institution-owned cemeteries to include the sale and opening or closing of cremation interment containers to members and family members of the religious institution; amending s. 497.419, F.S.; requiring preneed contracts to include in the refund notice the exclusion for amounts allocable to burial rights, merchandise, and services used by the purchaser; providing condition for breach of contract by certificateholder and for rights of purchaser; amending s. 497.436, F.S.; authorizing the Board of Funeral and Cemetery Services to review the trust funds, trust agreements, and outstanding preneed contracts of, and perform other procedures at its discretion with respect to, a certificateholder filing notice to become inactive; providing an effective date.

—was read the second time by title.

Senator Pruitt moved the following amendments which were adopted:

Amendment 1 (223264)—On page 9, line 27 through page 10, line 1, delete those lines and insert: *The Governor may suspend or remove any board member for malfeasance or misfeasance, neglect of duty, incompetence, substantial inability to perform official duties, commission of a crime, or for other substantial cause as determined by the Governor to evidence a*

Amendment 2 (495590)—On page 13, lines 22-31, delete those lines and insert: *Services.*

Amendment 3 (583134)(with title amendment)—On page 29, lines 15-31, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 3, lines 1-3, delete those lines and insert: amending s. 470.031, F. S.;

Amendment 4 (111840)(with title amendment)—On page 42, line 15 through page 43, line 23, delete those lines and insert:

Section 34. Subsection (5) of section 497.361, Florida Statutes, is amended, and subsections (6) and (7) are added to that section, to read:

497.361 Registration of monument establishments.—

(5) Monuments ~~shall be delivered within a specified timeframe shall be considered a breach of contract unless the monument establishment has a written agreement to extend the delivery date. The purchaser shall be entitled to a refund of all money paid for the merchandise. Such refund shall be made within 30 days after receipt by the monument establishment of the purchaser's written request for a refund. This subsection does not preclude the purchase and installation of a new monument from any other registered monument establishment or certificateholder as established by this chapter and installed no later than 120 days after the date of sale. The establishment may request two 30-day extensions. Extensions may be granted by the executive director.~~

(6) *All contracts with the public must be approved by the Department of Financial Services and must provide a complete description of any monument, marker, or related product to be delivered.*

(7) *A registration may not be transferred or assigned.*

And the title is amended as follows:

On page 3, line 31 through page 4, line 1, delete those lines and insert: customers; amending s. 497.361, F.S.; providing remedies for certain breaches of contract;

Senator Crist moved the following amendment which was adopted:

Amendment 5 (065210)(with title amendment)—On page 50, between lines 21 and 22, insert:

Section 44. Section 497.310, Florida Statutes, is created to read:

497.310 Recording purchase of burial rights.—

(1) *Any person purchasing a burial right, belowground crypt, grave space, mausoleum, columbarium, ossuary, or scattering garden for the interment, entombment, inurnment, or other disposition of human remains may, at the person's option, permanently record the purchase of the burial right, belowground crypt, grave space, mausoleum, columbarium, ossuary, or scattering garden with the clerk of the court in the county where the burial right, belowground crypt, grave space, mausoleum, columbarium, ossuary, or scattering garden is located.*

(2) *The clerk of the court shall record the evidence of the purchase of a burial right, belowground crypt, grave space, mausoleum, columbarium, ossuary, or scattering garden presented to him or her for recording, upon payment of the service charge of \$5 for the first page and \$2 for each additional page or fraction thereof of the purchase documents.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 5, line 15, after the semicolon (;) insert: creating s. 497.310, F.S.; providing for the optional recordation of burial rights; permitting the clerk of the court to assess service charge fees;

Pursuant to Rule 4.19, **CS for SB 2016** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Lynn—

CS for SB 480—A bill to be entitled An act relating to children and families; providing legislative findings and intent; creating the Commission on Marriage and Family Support Initiatives within the Department of Children and Family Services; providing for membership; providing scope of activity; providing for coordination with other organizations and entities; providing for funding of the commission; repealing ss. 383.0112, 383.0113, and 383.0114, F.S., relating to the Commission on Responsible Fatherhood and community-based programs to encourage responsible fatherhood; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 480** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 956** was deferred.

On motion by Senator Atwater—

CS for SB 1896—A bill to be entitled An act relating to school speed zones; amending s. 316.1895, F.S.; providing for the use of described flashing beacons to designate school zone speed restrictions; revising requirements for the Department of Transportation to establish certain standards; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1896** was placed on the calendar of Bills on Third Reading.

On motion by Senator Miller—

SB 2624—A bill to be entitled An act relating to the Florida Black Business Investment Board; amending s. 288.703, F.S.; redefining the term “financial institution” for purposes of the board; amending s. 288.709, F.S.; deleting a requirement relating to approval of board bylaws; amending s. 288.7091, F.S.; requiring the board to certify black business investment corporations; amending s. 288.71, F.S.; providing for the adoption of policies rather than rules; amending s. 288.714, F.S.; revising a reporting date; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2624** was placed on the calendar of Bills on Third Reading.

On motion by Senator Diaz de la Portilla—

SB 1860—A bill to be entitled An act relating to tax certificates for unpaid taxes; amending s. 197.432, F.S.; authorizing counties to conduct the sale of tax certificates by electronic means; providing an effective date.

—was read the second time by title.

The Committee on Comprehensive Planning recommended the following amendment which was moved by Senator Diaz de la Portilla and adopted:

Amendment 1 (443240)(with title amendment)—On page 1, lines 10-16, delete those lines and insert:

Section 1. Subsection (4) of section 197.432, Florida Statutes, is amended, and subsection (16) is added to that section, to read:

197.432 Sale of tax certificates for unpaid taxes.—

(4) A tax certificate representing less than \$100 in delinquent taxes on property that has been granted a homestead exemption for the year in which the delinquent taxes were assessed may not be sold at public auction or by electronic sale as provided in subsection (16) but shall be issued by the tax collector to the county at the maximum rate of interest allowed by this chapter. The provisions of s. 197.502(3) shall not be invoked as long as the homestead exemption is granted to the person who received the homestead exemption for the year in which the tax certificate was issued. However, when all such tax certificates and accrued interest thereon represent an amount of \$100 or more, the provisions of s. 197.502(3) shall be invoked.

(16) *The county tax collector may conduct the sale of tax certificates for unpaid taxes pursuant to this section by electronic means. The sale by electronic means must comply with all procedures provided by this chapter, and must provide access to the electronic sale by computer terminals open to the public at a designated location. Each county tax collector who chooses to conduct such electronic sale shall receive electronic deposits and payments related to the tax certificate sale.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 3-6, delete those lines and insert: taxes; amending s. 197.432, F.S.; authorizing county tax collectors to conduct sales of tax certificates for unpaid taxes by electronic means; providing for compliance with ch. 197, F.S., governing tax collections, sales, and liens; providing a requirement for public access; providing authority to the tax collector to receive electronic deposits and payments; providing an effective date.

MOTION

On motion by Senator Diaz de la Portilla, the rules were waived to allow the following amendment to be considered:

Senator Diaz de la Portilla moved the following amendment which was adopted:

Amendment 2 (113560)(with title amendment)—On page 1, between lines 16 and 17, insert:

Section 2. Paragraph (d) of subsection (1) of section 197.3632, Florida Statutes, is amended to read:

197.3632 Uniform method for the levy, collection, and enforcement of non-ad valorem assessments.—

(1) As used in this section:

(d) “Non-ad valorem assessment” means only those assessments which are not based upon millage and which can become a lien against

a homestead as permitted in s. 4, Art. X of the State Constitution. *The term includes special assessments for special tax districts; fire assessment; solid waste assessments; and highway, street, sanitary sewer, and sidewalk assessments.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 5, after the semicolon (;) insert: amending s. 197.3632, F.S.; redefining the term “non-ad valorem assessment”;

Pursuant to Rule 4.19, **SB 1860** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Argenziano—

CS for SB 1644—A bill to be entitled An act relating to nitrogen and phosphorus fertilizers; amending s. 576.045, F.S.; providing legislative findings and intent with respect to protecting the state’s water resources; requiring that persons licensed to distribute fertilizer pay a fee on fertilizer containing nitrogen or phosphorus; revising the purposes for which the Department of Agriculture and Consumer Services may use the proceeds of fees levied against persons licensed to distribute fertilizer; providing that implementation of interim measures, best-management practices, or certain other measures acts as a release from certain requirements and provides a presumption of compliance with state water quality standards; revising requirements for the department with respect to adopting rules; revising the dates for the expiration of certain provisions; providing an effective date.

—was read the second time by title.

Senator Argenziano moved the following amendment which was adopted:

Amendment 1 (201286)—On page 4, lines 28-31, delete those lines and insert:

(4) **WAIVER OF LIABILITY.**—Notwithstanding any provision of law, the Department of Environmental Protection is not authorized to institute proceedings against any person or the Federal Government under the provisions of s. 376.307(5) to recover any costs or

Pursuant to Rule 4.19, **CS for SB 1644** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Atwater—

CS for SB 2150—A bill to be entitled An act relating to nursing homes; amending s. 400.021, F.S.; amending the definition of the term “resident care plan” as used in part II of ch. 400, F.S.; amending s. 400.111, F.S.; requiring the Agency for Health Care Administration to give notice, as specified, of the necessity to renew a license; amending s. 400.141, F.S.; amending prerequisites to shared staffing; providing for rulemaking; amending provisions that specify deficiencies in staffing which trigger an admissions moratorium; amending s. 400.23, F.S.; amending provisions relating to minimum staffing requirements; providing exceptions for a state of emergency declared by the Governor or his designee; amending s. 400.235, F.S.; amending provisions describing the financial soundness and stability that constitutes a prerequisite to recognition as a Gold Seal Program; providing an effective date.

—was read the second time by title.

Senator Lynn moved the following amendments which were adopted:

Amendment 1 (400266)—On page 5, delete line 16 and insert: *a. A minimum weekly average certified nursing*

Amendment 2 (784990)—On page 5, line 23 and on page 6, line 4, delete “daily average” and insert: *minimum daily*

Amendment 3 (411688)—On page 5, line 24 and on page 6, line 5, delete “95” and insert: *97*

Amendment 4 (981436)—On page 5, lines 24 and 25 and on page 6, line 5, delete “weekly average” and insert: *minimum staffing*

Amendment 5 (602846)—On page 5, line 30, after “a” insert: *minimum*

Senator Hill moved the following amendment which was adopted:

Amendment 6 (105430)—On page 6, line 28 through page 7, line 11, delete those lines and insert: performing the duties of a certified nursing assistant. Unless otherwise approved by the agency, licensed nurses counted towards the minimum staffing requirements for certified nursing assistants must exclusively perform the duties of a certified nursing assistant for the entire shift and shall not also be counted towards the minimum staffing requirements for licensed nurses. If the agency approved a facility’s request to use a licensed nurse to perform both licensed nursing and certified nursing assistant duties, the facility must allocate the amount of staff time specifically spent on certified nursing assistant duties for the purpose of documenting compliance with minimum staffing requirements for certified and licensed nursing staff. In no event may the hours of a licensed nurse with dual job responsibilities be counted twice.

Senator Wasserman Schultz moved the following amendment which was adopted:

Amendment 7 (030886)—On page 7, line 25, after the period (.) insert: *If a nursing home on the watch list fails to comply with the minimum-staffing requirements in this subparagraph for 2 consecutive days, it may not accept new admissions until it has achieved the minimum-staffing requirements for 6 consecutive days. A resident of the facility who is absent from the facility for medical treatment at a separate location is considered to be on a leave of absence. A resident of a continuing care facility, as defined in s. 651.011(9), is not considered a new admission. Failure to impose an admissions moratorium is a class II deficiency.*

Pursuant to Rule 4.19, **CS for SB 2150** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Argenziano—

CS for SB 1218—A bill to be entitled An act relating to food safety; creating s. 500.033, F.S.; creating the Florida Food Safety and Food Security Advisory Council as a forum for evaluation of food safety and food security issues; providing membership; requiring reporting of findings and recommendations; providing for review of certain data; providing appropriations; providing an effective date.

—was read the second time by title.

Senator Argenziano moved the following amendment which was adopted:

Amendment 1 (273458)—On page 2, delete line 19 and insert:

Section 2. *There is hereby provided for fiscal year 2003-2004 an*

Pursuant to Rule 4.19, **CS for SB 1218** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Sebesta—

CS for SB 2708—A bill to be entitled An act relating to motor vehicle dealers; amending s. 320.60, F.S.; revising definitions; defining “service”; amending s. 320.64, F.S.; prohibiting certain acts by licensee or applicant; providing for penalties, liability, and remedies for violation; amending s. 320.642, F.S.; revising provisions for evidence to be considered by the Department of Highway Safety and Motor Vehicles in making certain determinations of representation by preexisting dealers; providing criteria and procedures for protest of proposed addition or relocation of service-only dealership; requiring license to permit service only in certain circumstances; amending s. 320.643, F.S.; revising criteria and procedures for transfer, sale, or disposal of franchise agreements and acceptance or rejection by the licensee of such transfer, sale, or disposal; prohibiting certain acts by a licensee; amending s. 320.644, F.S.; defining “executive management”; revising criteria and procedures for change of executive management of motor vehicle dealership and acceptance or rejection by the licensee of such change; prohibiting certain acts by licensee; amending s. 320.645, F.S.; revising restriction upon

ownership of dealership by licensee; amending s. 501.976, F.S.; revising specifications under the Florida Deceptive and Unfair Trade Practices Act for representation by dealer of vehicle as a demonstrator; deleting the requirement that a demonstrator must have been driven by a prospective customer; providing an effective date.

—was read the second time by title.

Senator Wise moved the following amendment which was adopted:

Amendment 1 (404120)(with title amendment)—On page 2, between lines 7 and 8, insert:

Section 1. Subsection (8) of section 320.03, Florida Statutes, is amended to read:

320.03 Registration; duties of tax collectors; International Registration Plan.—

(8) If the applicant’s name appears on the list referred to in ss. s. 316.1001(4), s. 316.1967(6), 320.27(14), or s. 713.78(13), a license plate or revalidation sticker may not be issued until that person’s name no longer appears on the list or until the person presents a receipt from the clerk showing that the fines outstanding have been paid. The tax collector and the clerk of the court are each entitled to receive monthly, as costs for implementing and administering this subsection, 10 percent of the civil penalties and fines recovered from such persons. As used in this subsection, the term “civil penalties and fines” does not include a wrecker operator’s lien as described in s. 713.78(13), or a motor vehicle dealer claim as described in s. 320.27(14). If the tax collector has private tag agents, such tag agents are entitled to receive a pro rata share of the amount paid to the tax collector, based upon the percentage of license plates and revalidation stickers issued by the tag agent compared to the total issued within the county. The authority of any private agent to issue license plates shall be revoked, after notice and a hearing as provided in chapter 120, if he or she issues any license plate or revalidation sticker contrary to the provisions of this subsection. This section applies only to the annual renewal in the owner’s birth month of a motor vehicle registration and does not apply to the transfer of a registration of a motor vehicle sold by a motor vehicle dealer licensed under this chapter, except for the transfer of registrations which is inclusive of the annual renewals. This section does not affect the issuance of the title to a motor vehicle, notwithstanding s. 319.23(7)(b).

Section 2. Current subsection (14) of section 320.27, Florida Statutes is redesignated as subsection (15) and a new subsection (14) is added to that section to read:

320.27 Motor vehicle dealers.—

(14)(a) *Any independent motor vehicle dealer, licensed pursuant to this section, which finances the sale of a motor vehicle, may request the department to place the name of the registered owner of that vehicle on the list of those persons who may not be issued a license plate or validation sticker for any motor vehicle pursuant to s. 320.03 (8) when such independent motor vehicle dealer demonstrates all of the following to the satisfaction of the department:*

1. *The purchaser of such vehicle has violated the contracted payment schedule and is in default as shown by a copy of the unfulfilled contract;*

2. *The purchaser of such vehicle has not contacted the independent dealer for a period of 45 days, and the independent dealer has made a good faith effort to contact the purchaser of the vehicle at least twice by regular mail and once by certified mail during that 45 day period to the address indicated on the department’s database.*

(b) *If the vehicle is owned jointly by more than one person the name of each registered owner shall be placed on the list.*

(c) *A person who has his or her name on the list of those persons who may not be issued a license plate or validation sticker for any motor vehicle under this subsection, may have his or her name removed from such list upon demonstrating to the department there are no liens on the vehicle purchased or the liens have been discharged; or upon providing a release from the independent motor vehicle dealer stating the person has satisfied the requirements of the contract.*

(15)(14) EXEMPTION.—The provisions of this section do not apply to persons who sell or deliver motorized disability access vehicles as defined in s. 320.01.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 2, after the semicolon (;) insert: amending ss. 320.03 and 320.27, F.S.; providing an independent motor vehicle dealer may request the department to register persons who violate the contracted payment schedule and have made no attempt to contact such dealer for 45 days;

The vote was:

Yeas—15

Alexander	Cowin	Posey
Argenziano	Dockery	Pruitt
Atwater	Fasano	Sebesta
Carlton	Haridopolos	Webster
Constantine	Lynn	Wise

Nays—13

Aronberg	Geller	Siplin
Bullard	Hill	Villalobos
Campbell	Margolis	Wasserman Schultz
Dawson	Miller	Wilson
Garcia		

Vote after roll call:

Yea—Clary, Diaz de la Portilla, Jones, Peaden, Saunders

Senator Sebesta moved the following amendments which were adopted:

Amendment 2 (694634)—On page 4, line 1, delete “heavy”

Amendment 3 (693024)—On page 4, line 12, after “to” insert: *purchase*,

Pursuant to Rule 4.19, **CS for SB 2708** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Argenziano—

SB 1222—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending s. 570.15, F.S.; requiring the department to establish rules authorizing nonagricultural vehicles to pass an agricultural inspection station without stopping and submitting to an inspection; amending s. 570.16, F.S.; prohibiting a person from impersonating an inspector, agent, or other employee of the department; providing a penalty; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 1222** to **HB 945**.

Pending further consideration of **SB 1222** as amended, on motion by Senator Argenziano, by two-thirds vote **HB 945** was withdrawn from the Committees on Agriculture; Criminal Justice; Appropriations Subcommittee on General Government; and Appropriations.

On motion by Senator Argenziano—

HB 945—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending s. 570.15, F.S.; requiring the department to establish rules authorizing nonagricultural vehicles to pass an agricultural inspection station without stopping and submitting to an inspection; amending s. 570.16, F.S.; prohibiting a person from impersonating an inspector, agent, or other employee of the department; providing a penalty; providing an effective date.

—a companion measure, was substituted for **SB 1222** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 945** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 1856** was deferred.

On motion by Senator Atwater—

CS for SB 2278—A bill to be entitled An act relating to motor vehicle service agreements; amending s. 634.011, F.S.; revising criteria within a definition of a motor vehicle service agreement relating to preestablished flat amounts; providing a limitation; amending s. 634.041, F.S.; providing requirements of a service agreement company to offer service agreements for vehicle protection; amending s. 634.121, F.S.; providing for disapproval of certain service agreement forms for not indicating the preestablished flat amount payable under the agreement; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2278** was placed on the calendar of Bills on Third Reading.

On motion by Senator Hill—

CS for SB 2042—A bill to be entitled An act relating to state reserves; creating s. 258.166, F.S.; establishing the George Kirkpatrick State Reserve; directing the Office of Greenways and Trails of the Department of Environmental Protection to develop multipurpose recreational opportunities and provide supervision of the area; allowing public hunting; authorizing the Division of State Lands to acquire adjacent or contiguous property; requiring the Division of State Lands to notify persons with easements in the area; requiring a report; providing an effective date.

—was read the second time by title.

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

Amendment 1 (961728)(with title amendment)—On page 2, line 21 through page 3, line 5, delete those lines

And the title is amended as follows:

On page 1, lines 11-14, delete those lines and insert: property; providing an effective date.

Pursuant to Rule 4.19, **CS for SB 2042** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Argenziano—

CS for SB 1232—A bill to be entitled An act relating to the practice of pest control; amending s. 482.051, F.S.; providing for temporary markers for vehicles; amending s. 482.091, F.S.; providing certain restrictions on the issuance of employee identification cards; amending s. 482.155, F.S.; providing that a limited certification does not authorize fumigation of a structure; amending s. 482.156, F.S.; providing a fee for the late renewal of certification for commercial landscape maintenance personnel; providing for automatic expiration of such certification following failure to obtain recertification; amending s. 482.161, F.S.; authorizing the Department of Agriculture and Consumer Services to take disciplinary action against a licensee or other person who impersonates a department employee; amending s. 482.165, F.S.; authorizing the department to impose an additional fine for the unlicensed practice of pest control; providing an exception; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1232** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 2338** was deferred.

On motion by Senator Lynn—

CS for SB 2404—A bill to be entitled An act relating to substance abuse services; amending s. 394.74, F.S.; authorizing the Department of Children and Family Services to adopt by rule new payment methodologies and to eliminate unit-based methodologies for mental health and substance abuse services; authorizing the department to adopt rules for local match based on new methodologies; prohibiting changes to the ratio of state to local matching resources or to the sources of local match and prohibiting the increase in the amount of local matching funds required; amending s. 394.9082, F.S.; modifying the services for which a managing entity is accountable; establishing data system requirements; providing for establishment of a single managing entity for the delivery of substance abuse services to child protective services recipients in specified districts of the department; providing for a contract; requiring certain information to be kept; requiring an evaluative study; providing for reports to the Governor and Legislature; providing an effective date.

—was read the second time by title.

MOTION

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

Senator Lynn moved the following amendment which was adopted:

Amendment 1 (423152)(with title amendment)—On page 2, line 28 through page 7, delete those lines, and insert:

Section 2. Section 394.655, Florida Statutes, is created to read:

394.655 The Substance Abuse and Mental Health Board; powers and duties; composition; evaluation and reporting requirements.—

(1) It is the intent of the Legislature to provide substance abuse and mental health services that are coordinated and consistent throughout the state, that reflect the current state of knowledge regarding quality and effectiveness, and that are responsive to service recipients and the needs of communities in this state. In order to accomplish this intent, there is created a not-for-profit corporation, to be known as the "Florida Substance Abuse and Mental Health Board, Inc.," which shall be registered, incorporated, organized, and operated in compliance with chapter 617 and which shall not be a unit or entity of state government. The Florida Substance Abuse and Mental Health Board, hereafter referred to as "the board," shall be administratively housed within the Department of Children and Family Services; however, the board shall not be subject to control, supervision, or direction by the department or by any other executive agency in any manner. As used in this section, the term "department" means the Department of Children and Family Services.

(2) The Legislature finds that public policy and the State Constitution require that the board and any committees it forms be subject to the provisions of chapter 119 relating to public records and the provisions of chapter 286 relating to public meetings.

(3)(a) Subject to and consistent with direction set by the Legislature, the board shall exercise the following responsibilities:

- 1. Require the collection and analysis of needs assessment data as described in s. 394.82.*
- 2. Monitor the status of the publicly funded mental health and substance abuse systems and establish policy designed to improve coordination and effectiveness.*
- 3. Provide mechanisms for substance abuse and mental health stakeholders, including consumers, family members, providers, and advocates to provide input concerning the management of the system.*
- 4. Recommend priorities for service expansion to the department and the Agency for Health Care Administration.*
- 5. Prepare legislative budget requests that the secretary shall submit to the Governor.*
- 6. Review performance data prepared by the department and the Agency for Health Care Administration.*

7. Make recommendations to the secretary concerning strategies for improving the performance of the system.

8. Monitor and forecast substance abuse and mental health manpower needs and work with the department and the educational system to establish policies, consistent with the direction of the Legislature, which will ensure that the state has the personnel it needs to continuously implement and improve its services.

(b) The board shall work with the department and the Agency for Health Care Administration to assure, to the maximum extent possible, that Medicaid and department-funded services are delivered in a coordinated manner, using common service definitions, standards, and accountability mechanisms.

(c) The board shall also work with other agencies of state government which provide, purchase, or fund substance abuse and mental health programs and services in order to work toward fully developed and integrated, when appropriate, substance abuse and mental health systems that reflect current knowledge regarding efficacy and efficiency and use best practices identified within this state or other states.

(d) The board shall develop memoranda of understanding that describe how it will coordinate with other programmatic areas within the department and with other state agencies that deliver or purchase substance abuse or mental health services.

(4) The secretary of the department shall provide or direct that any information requested by the board be provided in a timely manner that allows for a reasonable review and approval period by the board for items as set forth in subsection (3) and specified in the contract provided for in subsection (5).

(5) The board and the department must enter into a contract that requires the department to implement the policies of the board and describes how the department will respond to the board's requests for documents, reports, and proposals needed by the board in order for it to carry out its duties as described in paragraph (3)(a).

(6)(a) The board shall be comprised of 15 members, each appointed to a 2-year term, with not more than three subsequent reappointments, except that initial legislative appointments shall be for 3-year terms. Five members shall be appointed by the Governor, five members shall be appointed by the President of the Senate, and five members shall be appointed by the Speaker of the House of Representatives.

1. Of the five members appointed by the Governor, one member must represent the perspective of community-based care under chapter 409 and four members must be prominent community or business leaders, two of whom must have experience and interest in substance abuse and two of whom must have experience and interest in mental health.

2. Of the five members appointed by the President of the Senate, one member must be an expert in the field of substance abuse, one member must be a former client or family member of a client of a publicly funded mental health program, one member must represent the perspective of the state's senior population, and two members must be prominent community or business leaders, one of whom must have experience and interest in substance abuse and one of whom must have experience and interest in mental health.

3. Of the five members appointed by the Speaker of the House of Representatives, one member must be an expert in the field of mental health, one member must be a former client or family member of a client of a publicly funded substance abuse program, one member must represent the perspective of the criminal justice system, and two members must be prominent community or business leaders, one of whom must have experience and interest in substance abuse and one of whom must have experience and interest in mental health.

The Secretary of Children and Family Services, or his or her designee, the Secretary of Health Care Administration, or his or her designee, and a representative of local government designated by the Florida Association of Counties shall serve as ex officio members of the board.

(b) The board shall be chaired by a member designated by the Governor who may not be a public sector employee.

(c) Persons who derive their income from resources controlled by the Department of Children and Family Services or the Agency for Health Care Administration may not be members of the board.

(d) *The Governor, the President of the Senate, and the Speaker of the House of Representatives shall make their respective appointments within 60 days after the effective date of this act.*

(e) *A member of the board may be removed by the appointing party for cause. Absence from three consecutive meetings shall result in automatic removal. The chairperson of the board shall notify the appointing party of such absences.*

(f) *The board shall develop by-laws that describe how it will conduct its work.*

(g) *The board shall meet at least quarterly and at other times upon the call of its chair. Board meetings may be held via teleconference or other electronic means.*

(h) *A majority of the total current membership of the board constitutes a quorum of the board. The board may only meet and take action when a quorum is present.*

(i) *Within resources appropriated by the Legislature and other funds available to the corporation, the chairperson of the board may appoint advisory committees to address and advise the board on particular issues within its scope of responsibility. Members of advisory committees are not subject to the prohibition in paragraph (c).*

(j) *Members of the board and its committees shall serve without compensation, but are entitled to reimbursement for travel and per diem expenses pursuant to s. 112.061.*

(k) *Each member of the board who is not otherwise required to file a financial disclosure statement pursuant to s. 8, Art. II of the State Constitution or s. 112.3144 must file disclosure of financial interests pursuant to s. 112.3145.*

(7) *The board may appoint four staff members, including a programmatic analyst, a budget analyst, a contract manager, and an administrative assistant. One staff member shall be designated as staff supervisor. The staff members shall be appointed by and serve at the pleasure of the board and are employees of the corporation, not employees of the state. Provision of other staff support required by the board shall be provided by the department as negotiated in the contract developed pursuant to subsection (5).*

(8) *The board must develop a budget request for its operation and must submit the request to the Governor and the Legislature pursuant to chapter 216 through the secretary of the department, who may not modify the budget request before it is submitted or after the board's funding is appropriated by the Legislature.*

(9) *The board shall provide for an annual financial audit of its financial accounts and records by an independent certified public accountant. The annual audit report shall include a management letter in accordance with s. 11.45 and a detailed supplemental schedule of expenditures for each expenditure category. The annual audit report must be submitted to the Governor, the department, and the Auditor General for review.*

(10) *The board must annually evaluate and, in December of each year, report to the Legislature and the Governor on the status of the state's publicly funded substance abuse and mental health systems. The board's first report must be submitted in December, 2004. Each public sector agency that delivers, or contracts for the provision of, substance abuse or mental health services must cooperate with the board in the development of this annual evaluation and report. As part of the annual report, the board and department shall certify as to whether the board and the department are complying with the terms of the contract required in subsection (5) in a manner that is consistent with the goals and purposes of the board and in the best interest of the state.*

(11) *This section expires on October 1, 2006, unless reviewed and reenacted by the Legislature before that date. The Executive Office of the Governor shall procure an independent evaluation of the effectiveness of the substance abuse and mental health programs. The evaluation must include, but need not be limited to, the operation of the board, the organization of programs within the department, and the contractual arrangement between parties in order to determine whether each program has been effective in carrying out its mission, as defined in law, including how well the needs of children and families in the child protection system have been met, and in order to determine the cost effectiveness of or any*

cost issues relating to the board and each program office. A report that includes recommendations relating to the continuation of the board and the organizational arrangement of the programs must be submitted by the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2006.

Section 3. Present paragraph (c) of subsection (2) of section 20.19, Florida Statutes, is redesignated as paragraph (d), and a new paragraph (c) is added to that subsection, to read:

20.19 Department of Children and Family Services.—There is created a Department of Children and Family Services.

(2) SECRETARY OF CHILDREN AND FAMILY SERVICES; DEPUTY SECRETARY.—

(c)1. *The secretary shall appoint an Assistant Secretary for Substance Abuse and Mental Health from a list of three recommendations submitted by the board established in s. 394.655. The assistant secretary shall serve at the pleasure of the secretary with the concurrence of the board and must have expertise in both areas of responsibility.*

2. *The secretary shall appoint a Program Director for Substance Abuse and a Program Director for Mental Health who have the requisite expertise and experience in their respective fields to head the state's substance abuse and mental health programs.*

a. *Each program director shall have line authority over all district substance abuse and mental health program management staff.*

b. *The assistant secretary shall enter into a memorandum of understanding with each district or region administrator, which must be approved by the secretary or the secretary's designee, describing the working relationships within each geographic area.*

c. *The mental health institutions shall report to the Program Director for Mental Health.*

d. *Each program director shall have direct control over the program's budget and contracts for services. Support staff necessary to manage budget and contracting functions within the department shall be placed under the supervision of the program directors.*

Section 4. Subsection (2) of section 394.74, Florida Statutes, is amended to read:

394.74 Contracts for provision of local substance abuse and mental health programs.—

(2)(a) Contracts for service shall be consistent with the approved district plan.

(b) Notwithstanding s. 394.76(3)(a) and (c), the department may use unit cost methods of payment in contracts for purchasing mental health and substance abuse services. The unit cost contracting system must account for those patient fees that are paid on behalf of a specific client and those that are earned and used by the provider for those services funded in whole or in part by the department. *The department is authorized to implement through administrative rule fee-for-service, prepaid case rate, and prepaid capitation contract methodologies to purchase mental health and substance abuse services. Fee-for-service, prepaid case rate, or prepaid capitation mechanisms shall not be implemented statewide without the elimination of the unit cost method of payment. Notwithstanding the provisions of s. 394.76(3), the department may adopt administrative rules that account for local match in a manner that is consistent with fee-for-service, prepaid case rate, and prepaid capitated payment methodologies. Such provisions may not result in a change of the ratio of state-to-local matching resources or in the sources of local matching funds and may not increase the amount of required local matching funds. It is the intent of the Legislature that the provisions to account for local match be consistent with the financial principles adopted for the payment of state funds.*

(c) The department may reimburse actual expenditures for startup contracts and fixed capital outlay contracts in accordance with contract specifications.

Section 5. Section 394.741, Florida Statutes, is amended to read:

394.741 Accreditation requirements for providers of behavioral health care services.—

(1) As used in this section, the term “behavioral health care services” means mental health and substance abuse treatment services.

(2) Notwithstanding any provision of law to the contrary, accreditation shall be accepted by the agency and department in lieu of the agency’s and department’s facility licensure onsite review requirements and shall be accepted as a substitute for the department’s administrative and program monitoring requirements, except as required by subsections (3) and (4), for:

(a) Any organization from which the department purchases behavioral health care services that is accredited by the Joint Commission on Accreditation of Healthcare Organizations or the Council on Accreditation for Children and Family Services, or has those services that are being purchased by the department accredited by CARF—the Rehabilitation Accreditation Commission.

(b) Any mental health facility licensed by the agency or any substance abuse component licensed by the department that is accredited by the Joint Commission on Accreditation of Healthcare Organizations, CARF—the Rehabilitation Accreditation Commission, or the Council on Accreditation of Children and Family Services.

(c) Any network of providers from which the department or the agency purchases behavioral health care services accredited by the Joint Commission on Accreditation of Healthcare Organizations, CARF—the Rehabilitation Accreditation Commission, the Council on Accreditation of Children and Family Services, or the National Committee for Quality Assurance. A provider organization, which is part of an accredited network, is afforded the same rights under this part.

(3) For organizations accredited as set forth in subsection (2). Before the department or the agency conducts additional monitoring for mental health services, the department and the agency may adopt rules that establish:

(a) Additional standards for monitoring and licensing accredited programs and facilities that the department and the agency have determined are not specifically and distinctly covered by the accreditation standards and processes. These standards and the associated monitoring must not duplicate the standards and processes already covered by the accrediting bodies.

(b) An onsite monitoring process between 24 months and 36 months after accreditation for nonresidential facilities to assure that accredited organizations exempt from licensing and monitoring activities under this part continue to comply with critical standards.

(c) An onsite monitoring process between 12 months and 24 months after accreditation for residential facilities to assure that accredited organizations exempt from licensing and monitoring activities under this part continue to comply with critical standards.

(4) For substance abuse services, the department shall conduct full licensure inspections every 3 years and shall develop in rule criteria which would justify more frequent inspections.

(5) The department and the agency shall be given access to all accreditation reports, corrective action plans, and performance data submitted to the accrediting organizations. When major deficiencies, as defined by the accrediting organization, are identified through the accreditation process, the department and the agency may perform followup monitoring to assure that such deficiencies are corrected and that the corrections are sustained over time. Proof of compliance with fire and health safety standards will be submitted as required by rule.

(6) The department or agency, by accepting the survey or inspection of an accrediting organization, does not forfeit its rights to monitor for the purpose of ensuring that services for which the department has paid were provided. The department may investigate complaints or suspected problems and to monitor the provider’s compliance with negotiated terms and conditions, including provisions relating to consent decrees, which are unique to a specific contract and are not statements of general applicability. The department may monitor compliance with federal and state statutes, federal regulations, or state administrative rules, if such monitoring does not duplicate the review of accreditation standards or

~~independent audits pursuant to subsections (3) and (8). perform inspections at any time, including contract monitoring to ensure that deliverables are provided in accordance with the contract.~~

(7) For purposes of licensure and monitoring of facilities under contract with the department, the department shall rely only upon properly adopted and applicable federal and state statutes and rules.

(8) The department shall file a State Projects Compliance Supplement pursuant to s. 215.97 for behavioral health care services. In monitoring the financial operations of its contractors, the department shall rely upon certified public accountant audits, if required. The department shall perform a desk review of its contractor’s most recent independent audit and may conduct onsite monitoring only of problems identified by these audits, or by other sources of information documenting problems with contractor’s financial management. Certified public accountants employed by the department may conduct an on-site test of the validity of a contractor’s independent audit every third year.

(9)(7) The department and the agency shall report to the Legislature by January 1, 2003, on the viability of mandating all organizations under contract with the department for the provision of behavioral health care services, or licensed by the agency or department to be accredited. The department and the agency shall also report to the Legislature by January 1, 2003, on the viability of privatizing all licensure and monitoring functions through an accrediting organization.

(10)(8) The accreditation requirements of this section shall apply to contracted organizations that are already accredited immediately upon becoming law.

Section 6. Paragraphs (a) and (d) of subsection (4) and subsection (5) of section 394.9082, Florida Statutes, are amended, present subsection (8) of that section is renumbered as subsection (9) and amended, and a new subsection (8) is added to that section, to read:

394.9082 Behavioral health service delivery strategies.—

(4) CONTRACT FOR SERVICES.—

(a) The Department of Children and Family Services and the Agency for Health Care Administration may contract for the provision or management of behavioral health services with a managing entity in at least two geographic areas. Both the Department of Children and Family Services and the Agency for Health Care Administration must contract with the same managing entity in any distinct geographic area where the strategy operates. This managing entity shall be accountable at a minimum for the delivery of behavioral health services specified and funded by the department and the agency for children, adolescents, and adults. The geographic area must be of sufficient size in population and have enough public funds for behavioral health services to allow for flexibility and maximum efficiency. Notwithstanding the provisions of s. 409.912(3)(b)1. and 2., at least one service delivery strategy must be in one of the service districts in the catchment area of G. Pierce Wood Memorial Hospital.

(d) Under both strategies, the Department of Children and Family Services and the Agency for Health Care Administration may:

1. Establish benefit packages based on the level of severity of illness and level of client functioning;

2. Align and integrate procedure codes, standards, or other requirements if it is jointly determined that these actions will simplify or improve client services and efficiencies in service delivery;

3. Use prepaid per capita and prepaid aggregate fixed-sum payment methodologies; and

4. Modify their current procedure codes to increase clinical flexibility, encourage the use of the most effective interventions, and support rehabilitative activities; and

5. Establish or develop data management and reporting systems that promote efficient use of data by the service delivery system. Data management and reporting systems must address the management and clinical care needs of the service providers and managing entities and provide information needed by the department for required state and federal reporting. In order to develop and test the application of new data sys-

tems, a strategy implementation area is not required to provide information that matches all current statewide reporting requirements if the strategy's data systems include client demographic, admission, discharge, enrollment, service events, performance outcome information, and functional assessment.

(5) STATEWIDE ACTIONS.—~~If Medicaid appropriations for Community Mental Health Services or Mental Health Targeted Case Management are reduced in fiscal year 2001-2002,~~ The agency and the department shall jointly develop and implement strategies that reduce service costs in a manner that mitigates the impact on persons in need of those services. The agency and department may employ any methodologies on a regional or statewide basis necessary to achieve the reduction, including but not limited to use of case rates, prepaid per capita contracts, utilization management, expanded use of care management, use of waivers from the Centers for Medicare and Medicaid Services Health Care Financing Administration to maximize federal matching of current local and state funding, modification or creation of additional procedure codes, and certification of match or other management techniques. *The department may contract with a single managing entity or provider network that shall be responsible for delivering state-funded mental health and substance-abuse services. The managing entity shall coordinate its delivery of mental-health and substance-abuse services with all prepaid mental health plans in the region or the district. The department may include in its contract with the managing entity data-management and data-reporting requirements, clinical program management, and administrative functions. Before the department contracts for these functions with the provider network, the department shall determine that the entity has the capacity and capability to assume these functions. The roles and responsibilities of each party must be clearly delineated in the contract.*

(8) EXPANSION IN DISTRICTS 4 AND 12.—*The department shall work with community agencies to establish a single managing entity for districts 4 and 12 accountable for the delivery of substance abuse services to child protective services recipients in the two districts. The purpose of this strategy is to enhance the coordination of substance abuse services with community-based care agencies and the department. The department shall work with affected stakeholders to develop and implement a plan that allows the phase-in of services beginning with the delivery of substance abuse services, with phase-in of subsequent substance abuse services agreed upon by the managing entity and authorized by the department, providing the necessary technical assistance to assure provider and district readiness for implementation. When a single managing entity is established and meets readiness requirements, the department may enter into a noncompetitive contract with the entity. The department shall maintain detailed information on the methodology used for selection and a justification for the selection. Performance objectives shall be developed which ensure that services that are delivered directly affect and complement the child's permanency plan. During the initial planning and implementation phase of this project, the requirements in subsections (6) and (7) are waived. Considering the critical substance abuse problems experienced by many families in the child protection system, the department shall initiate the implementation of the substance abuse delivery component of this program without delay and furnish status reports to the appropriate substantive committees of the Senate and the House of Representatives no later than February 29, 2004, and February 28, 2005. The integration of all services agreed upon by the managing entity and authorized by the department must be completed within 2 years after project initiation. Ongoing monitoring and evaluation of this strategy shall be conducted in accordance with subsection (9).*

(9)(8) MONITORING AND EVALUATION.—(9) The Department of Children and Family Services and the Agency for Health Care Administration shall provide routine monitoring and oversight of and technical assistance to the managing entities. The Louis de la Parte Florida Mental Health Institute shall conduct an ongoing formative evaluation of each strategy to identify the most effective methods and techniques used to manage, integrate, and deliver behavioral health services. The entity conducting the evaluation shall report to the Department of Children and Family Services, the Agency for Health Care Administration, the Executive Office of the Governor, and the Legislature every 12 months regarding the status of the implementation of the service delivery strategies. The report must include a summary of activities that have occurred during the past 12 months of implementation and any problems or obstacles that *have in the past, or may in the future, prevent prevented, or may prevent in the future,* the managing entity from achieving performance goals ~~and measures~~. The first status report is due January 1,

2002. After the service delivery strategies have been operational for 1 year, the status report must include an analysis of administrative costs and the status of the achievement of performance outcomes. *By December 31, 2006, the Louis de la Parte Florida Mental Health Institute, as a part of the ongoing formative evaluation of each strategy, must conduct a study of the strategies established in Districts 1, 8, 4, and 12 under this section, and must include an assessment of best practice models in other states. The study must address programmatic outcomes that include, but are not limited to, timeliness of service delivery, effectiveness of treatment services, cost-effectiveness of selected models, and customer satisfaction with services. Based upon the results of this study, the department and the Agency for Health Care Administration, in consultation with the managing entities, must provide a report to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives. This report must contain recommendations for the statewide implementation of successful strategies, including any modifications to the strategies; the identification and prioritization of strategies to be implemented.; and timeframes for statewide completion that include target dates to complete milestones as well as a date for full statewide implementation. Upon receiving the annual report from the evaluator, the Department of Children and Family Services and the Agency for Health Care Administration shall jointly make any recommendations to the Executive Office of the Governor regarding changes in the service delivery strategies or in the implementation of the strategies, including timeframes.*

Section 7. Present subsections (1), (2), and (3) of section 409.912, Florida Statutes, are redesignated as subsections (2), (3), and (4), respectively, and a new subsection (1) is added to that section, present subsection (3) of that section is amended, present subsections (4) through (40) are redesignated as subsections (6) through (42), respectively, and a new subsection (5) is added to that section to read:

409.912 Cost-effective purchasing of health care.—The agency shall purchase goods and services for Medicaid recipients in the most cost-effective manner consistent with the delivery of quality medical care. The agency shall maximize the use of prepaid per capita and prepaid aggregate fixed-sum basis services when appropriate and other alternative service delivery and reimbursement methodologies, including competitive bidding pursuant to s. 287.057, designed to facilitate the cost-effective purchase of a case-managed continuum of care. The agency shall also require providers to minimize the exposure of recipients to the need for acute inpatient, custodial, and other institutional care and the inappropriate or unnecessary use of high-cost services. The agency may establish prior authorization requirements for certain populations of Medicaid beneficiaries, certain drug classes, or particular drugs to prevent fraud, abuse, overuse, and possible dangerous drug interactions. The Pharmaceutical and Therapeutics Committee shall make recommendations to the agency on drugs for which prior authorization is required. The agency shall inform the Pharmaceutical and Therapeutics Committee of its decisions regarding drugs subject to prior authorization.

(1) *The agency shall work with the Department of Children and Family Services to ensure access of children and families in the child protection system to needed and appropriate mental health and substance abuse services.*

(4)(3) The agency may contract with:

(a) An entity that provides no prepaid health care services other than Medicaid services under contract with the agency and which is owned and operated by a county, county health department, or county-owned and operated hospital to provide health care services on a prepaid or fixed-sum basis to recipients, which entity may provide such prepaid services either directly or through arrangements with other providers. Such prepaid health care services entities must be licensed under parts I and III by January 1, 1998, and until then are exempt from the provisions of part I of chapter 641. An entity recognized under this paragraph which demonstrates to the satisfaction of the Department of Insurance that it is backed by the full faith and credit of the county in which it is located may be exempted from s. 641.225.

(b) An entity that is providing comprehensive behavioral health care services to certain Medicaid recipients through a capitated, prepaid arrangement pursuant to the federal waiver provided for by s. 409.905(5). Such an entity must be licensed under chapter 624, chapter 636, or chapter 641 and must possess the clinical systems and operational competence to manage risk and provide comprehensive behavioral health

care to Medicaid recipients. As used in this paragraph, the term "comprehensive behavioral health care services" means covered mental health and substance abuse treatment services that are available to Medicaid recipients. The secretary of the Department of Children and Family Services shall approve provisions of procurements related to children in the department's care or custody prior to enrolling such children in a prepaid behavioral health plan. Any contract awarded under this paragraph must be competitively procured. In developing the behavioral health care prepaid plan procurement document, the agency shall ensure that the procurement document requires the contractor to develop and implement a plan to ensure compliance with s. 394.4574 related to services provided to residents of licensed assisted living facilities that hold a limited mental health license. *The agency shall seek federal approval to contract with a single entity meeting these requirements to provide comprehensive behavioral health care services to all Medicaid recipients in an AHCA area. Each entity must offer sufficient choice of providers in its network to ensure recipient access to care and the opportunity to select a provider with whom they are satisfied. The agency must ensure that Medicaid recipients have available the choice of at least two managed care plans for their behavioral health care services.* To ensure unimpaired access to behavioral health care services by Medicaid recipients, all contracts issued pursuant to this paragraph shall require 80 percent of the capitation paid to the managed care plan, including health maintenance organizations, to be expended for the provision of behavioral health care services. In the event the managed care plan expends less than 80 percent of the capitation paid pursuant to this paragraph for the provision of behavioral health care services, the difference shall be returned to the agency. The agency shall provide the managed care plan with a certification letter indicating the amount of capitation paid during each calendar year for the provision of behavioral health care services pursuant to this section. The agency may reimburse for substance-abuse-treatment services on a fee-for-service basis until the agency finds that adequate funds are available for capitated, prepaid arrangements.

1. By January 1, 2001, the agency shall modify the contracts with the entities providing comprehensive inpatient and outpatient mental health care services to Medicaid recipients in Hillsborough, Highlands, Hardee, Manatee, and Polk Counties, to include substance-abuse-treatment services.

2. By July 1, 2003, the agency and the Department of Children and Family Services shall execute a written agreement that requires collaboration and joint development of all policy, budgets, procurement documents, contracts, and monitoring plans that have an impact on the state and Medicaid community mental health and targeted case management programs.

3. By July 1, 2006, the agency and the Department of Children and Family Services shall contract with managed care entities in each AHCA area or arrange to provide comprehensive inpatient and outpatient mental health and substance abuse services through capitated pre-paid arrangements to all Medicaid recipients for whom such plans are allowable under federal law and regulation. In AHCA areas where eligible individuals number less than 150,000, the agency shall contract with a single managed care plan. The agency may contract with more than one plan in AHCA areas where the eligible population exceeds 150,000. Contracts awarded pursuant to this section shall be competitively procured. Both for-profit and not-for-profit corporations shall be eligible to compete.

4. By October 1, 2003, the agency and the department shall submit a plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives which provides for the full implementation of capitated prepaid behavioral health care in all areas of the state.

a. Implementation shall begin in 2003 in those AHCA areas of the state where the agency is able to establish sufficient capitation rates.

b. If the agency determines that the proposed capitation rate in any area is insufficient to provide appropriate services, the agency may adjust the capitation rate to ensure that care will be available. The agency and the department may use existing general revenue to address any additional required match but may not over-obligate existing funds on an annualized basis.

c. Subject to any limitations provided for in the General Appropriations Act, the agency, in compliance with appropriate federal authorization, shall develop policies and procedures that allow for certification of local and state funds.

2. By December 31, 2001, the agency shall contract with entities providing comprehensive behavioral health care services to Medicaid recipients through capitated, prepaid arrangements in Charlotte, Collier, DeSoto, Escambia, Glades, Hendry, Lee, Okaloosa, Pasco, Pinellas, Santa Rosa, Sarasota, and Walton Counties. The agency may contract with entities providing comprehensive behavioral health care services to Medicaid recipients through capitated, prepaid arrangements in Alachua County. The agency may determine if Sarasota County shall be included as a separate catchment area or included in any other agency geographic area.

5.3. Children residing in a statewide inpatient psychiatric program, or in a Department of Juvenile Justice or a Department of Children and Family Services residential program approved as a Medicaid behavioral health overlay services provider shall not be included in a behavioral health care prepaid health plan pursuant to this paragraph.

6.4. In converting to a prepaid system of delivery, the agency shall in its procurement document require an entity providing comprehensive behavioral health care services to prevent the displacement of indigent care patients by enrollees in the Medicaid prepaid health plan providing behavioral health care services from facilities receiving state funding to provide indigent behavioral health care, to facilities licensed under chapter 395 which do not receive state funding for indigent behavioral health care, or reimburse the unsubsidized facility for the cost of behavioral health care provided to the displaced indigent care patient.

7.5. Traditional community mental health providers under contract with the Department of Children and Family Services pursuant to part IV of chapter 394 and inpatient mental health providers licensed pursuant to chapter 395 must be offered an opportunity to accept or decline a contract to participate in any provider network for prepaid behavioral health services.

(c) A federally qualified health center or an entity owned by one or more federally qualified health centers or an entity owned by other migrant and community health centers receiving non-Medicaid financial support from the Federal Government to provide health care services on a prepaid or fixed-sum basis to recipients. Such prepaid health care services entity must be licensed under parts I and III of chapter 641, but shall be prohibited from serving Medicaid recipients on a prepaid basis, until such licensure has been obtained. However, such an entity is exempt from s. 641.225 if the entity meets the requirements specified in subsections (14) and (15).

(d) No more than four provider service networks for demonstration projects to test Medicaid direct contracting. The demonstration projects may be reimbursed on a fee-for-service or prepaid basis. A provider service network which is reimbursed by the agency on a prepaid basis shall be exempt from parts I and III of chapter 641, but must meet appropriate financial reserve, quality assurance, and patient rights requirements as established by the agency. The agency shall award contracts on a competitive bid basis and shall select bidders based upon price and quality of care. Medicaid recipients assigned to a demonstration project shall be chosen equally from those who would otherwise have been assigned to prepaid plans and MediPass. The agency is authorized to seek federal Medicaid waivers as necessary to implement the provisions of this section. A demonstration project awarded pursuant to this paragraph shall be for 4 years from the date of implementation.

(e) An entity that provides comprehensive behavioral health care services to certain Medicaid recipients through an administrative services organization agreement. Such an entity must possess the clinical systems and operational competence to provide comprehensive health care to Medicaid recipients. As used in this paragraph, the term "comprehensive behavioral health care services" means covered mental health and substance abuse treatment services that are available to Medicaid recipients. Any contract awarded under this paragraph must be competitively procured. The agency must ensure that Medicaid recipients have available the choice of at least two managed care plans for their behavioral health care services.

(f) An entity that provides in-home physician services to test the cost-effectiveness of enhanced home-based medical care to Medicaid recipients with degenerative neurological diseases and other diseases or disabling conditions associated with high costs to Medicaid. The program shall be designed to serve very disabled persons and to reduce

Medicaid reimbursed costs for inpatient, outpatient, and emergency department services. The agency shall contract with vendors on a risk-sharing basis.

(g) Children's provider networks that provide care coordination and care management for Medicaid-eligible pediatric patients, primary care, authorization of specialty care, and other urgent and emergency care through organized providers designed to service Medicaid eligibles under age 18 and pediatric emergency departments' diversion programs. The networks shall provide after-hour operations, including evening and weekend hours, to promote, when appropriate, the use of the children's networks rather than hospital emergency departments.

(h) An entity authorized in s. 430.205 to contract with the agency and the Department of Elderly Affairs to provide health care and social services on a prepaid or fixed-sum basis to elderly recipients. Such prepaid health care services entities are exempt from the provisions of part I of chapter 641 for the first 3 years of operation. An entity recognized under this paragraph that demonstrates to the satisfaction of the Department of Insurance that it is backed by the full faith and credit of one or more counties in which it operates may be exempted from s. 641.225.

(i) A Children's Medical Services network, as defined in s. 391.021.

(5) *By October 1, 2003, the agency and the department shall, to the extent feasible, develop a plan for implementing new Medicaid procedure codes for emergency and crisis care, supportive residential services, and other services designed to maximize the use of Medicaid funds for Medicaid-eligible recipients. The agency shall include in the agreement developed pursuant to subsection (4) a provision that ensures that the match requirements for these new procedure codes are met by certifying eligible general revenue or local funds that are currently expended on these services by the department with contracted alcohol, drug abuse, and mental health providers. The plan must describe specific procedure codes to be implemented, a projection of the number of procedures to be delivered during fiscal year 2003-2004, and a financial analysis that describes the certified match procedures, and accountability mechanisms, projects the earnings associated with these procedures, and describes the sources of state match. This plan may not be implemented in any part until approved by the Legislative Budget Commission. If such approval has not occurred by December 31, 2003, the plan shall be submitted for consideration by the 2004 Legislature.*

Section 8. *The Agency for Health Care Administration may not implement the prepaid mental health managed care program until a plan has been developed, reviewed, and approved by the Legislative Budget Commission. The plan must be submitted to the Legislative Budget Commission by January 1, 2004. The Secretary of Children and Family Services shall conduct a review and develop the plan for ensuring that children and families receiving foster care and other related services are appropriately served and assist the community-based care lead agency in meeting the goals and outcomes of the system. The secretary shall include participation from representatives of community-based care lead agencies, representatives of the Agency for Health Care Administration, community alliances, sheriffs' offices, community providers serving dependent children, and others the secretary deems appropriate.*

Section 9. *The sum of \$250,000 is appropriated from the General Revenue Fund to the Department of Children and Family Services, and four positions are authorized, for the purpose of implementing this act during the 2003-2004 fiscal year.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 2-25, delete those lines and insert: An act relating to substance abuse and mental health; amending s. 394.74, F.S.; authorizing the Department of Children and Family Services to adopt by rule new payment methodologies and to eliminate unit-based methodologies for mental health and substance abuse services; authorizing the department to adopt rules for local match based on new methodologies; prohibiting changes to the ratio of state to local matching resources or to the sources of local match and prohibiting the increase in the amount of local matching funds required; amending s. 394.9082, F.S.; modifying the services for which a managing entity is accountable; establishing data system requirements; providing for establishment of a single managing entity for the delivery of substance abuse services to child protective services recipients in specified districts of the department; providing for

a contract; requiring certain information to be kept; requiring an evaluative study; providing for reports to the Governor and Legislature; creating s. 394.655, F.S.; providing legislative intent; creating the Florida Substance Abuse and Mental Health Board, Inc. which shall be administratively housed within the Department of Children and Family Services; providing for the board's independence; providing the duties, responsibilities, and authority of the board; requiring a contract between the board and the department; providing for the appointment of members and specifying qualifications for membership; authorizing the board to employ staff members; requiring an annual evaluation and report to the Legislature and Governor; directing other agencies to cooperate in the development of the evaluation and report; providing for future repeal; directing the Executive Office of the Governor to procure an evaluation; providing for a report to the Legislature; amending s. 20.19, F.S.; requiring the Secretary of Children and Family Services to appoint certain staff; providing responsibilities; amending s. 394.74, F.S.; authorizing the Department of Children and Family Services to adopt by rule new payment methodologies and to eliminate unit-based methodologies for mental health and substance abuse services; authorizing the department to adopt rules for local match based on new methodologies; prohibiting changes to the ratio of state-to-local matching resources or to the sources of local match and prohibiting the increase in the amount of local matching funds required; amending s. 394.741, F.S.; amending accreditation requirements for providers of behavioral health care services; requiring the Department of Children and Family Services and the Agency for Health Care Administration to follow only properly adopted and applicable statutes and rules in monitoring contracted providers; requiring the department to file a State Project Compliance Supplement; amending s. 394.9082, F.S.; modifying the services for which a managing entity is accountable; establishing data system requirements; providing for establishment of a single managing entity for the delivery of substance abuse services to child protective services recipients in specified districts of the department; providing for a contract; requiring certain information to be kept; requiring an evaluative study; providing for reports to the Governor and Legislature; revising provisions relating to delivery of state-funded mental health services; amending s. 409.912, F.S.; requiring the agency to work with the department to ensure mental health and substance abuse services are accessible to children and families in the child protection system; requiring the Agency for Health Care Administration to seek federal approval to contract with single entities to provide comprehensive behavioral health care services to Medicaid recipients in AHCA areas; requiring the agency to submit a plan for fully implementing capitated prepaid behavioral health care in all areas of the state; providing for implementation of the plan that would vary by the size of the eligible population; authorizing the agency to adjust the capitation rate under specified circumstances; requiring the agency to develop policies and procedures that allow for certification of local funds; requiring the agency and the department to develop a plan to implement new Medicaid procedure codes for specified services; providing that match requirements for those procedure codes are met by certifying general revenue with contracted providers; requiring the plan to address specific procedure codes to be implemented, a projection of procedures to be delivered and a financial analysis; requiring approval by the Legislative Budget Commission prior to implementation; directing the plan to be submitted for consideration by the 2004 Legislature if not approved by December 31, 2004; requiring approval by the Legislative Budget Commission prior to implementation; providing an appropriation and authorizing positions; providing effective dates.

RECONSIDERATION OF AMENDMENT

On motion by Senator Lynn, the Senate reconsidered the vote by which **Amendment 1 (423152)** was adopted. **Amendment 1** was withdrawn.

Pursuant to Rule 4.19, **CS for SB 2404** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1566**, **CS for SB 1772** and **CS for SB 1216** was deferred.

On motion by Senator Dockery, by two-thirds vote **HB 365** was withdrawn from the Committees on Governmental Oversight and Productivity; Natural Resources; Appropriations Subcommittee on General Government; and Appropriations.

On motion by Senator Dockery—

HB 365—A bill to be entitled An act relating to audits of state agency direct-support organizations and citizen support organizations; amending s. 215.981, F.S.; specifying financial audit requirements for certain direct-support organizations and citizen support organizations; excluding certain organizations from such requirements; requiring the Department of Environmental Protection to establish financial management guidelines; requiring the department to conduct operational and financial reviews of certain direct-support organizations or citizen support organizations each year; providing an effective date.

—a companion measure, was substituted for **CS for SB 1036** and read the second time by title.

Pursuant to Rule 4.19, **HB 365** was placed on the calendar of Bills on Third Reading.

On motion by Senator Sebesta—

CS for CS for SB 664—A bill to be entitled An act relating to recreational activities at facilities for elderly or disabled adults; authorizing bingo games for residents or clients of certain facilities for the elderly or disabled and for their guests; providing conditions; providing for use of proceeds; providing exemption from local regulation and fees; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 664** was placed on the calendar of Bills on Third Reading.

CS for SB 1772—A bill to be entitled An act relating to education; amending s. 24.121, F.S.; correcting a cross-reference; amending s. 212.055, F.S.; eliminating references to the Florida Frugal Schools Program; amending s. 216.136, F.S.; eliminating reference to an obsolete board; providing that the executive director of the Commission for Independent Education is a member of the Workforce Estimating Conference; amending s. 316.615, F.S.; revising provisions relating to rule-making with respect to school bus operation; amending s. 402.305, F.S.; revising provisions relating to rules with respect to child care facilities; amending s. 409.1451, F.S.; correcting a cross-reference; amending s. 445.0123, F.S.; eliminating a reference to State Board of Independent Colleges and Universities; prescribing duties of the Commission for Independent Education with respect to determining eligibility for certain students; amending s. 455.2125, F.S.; eliminating a reference to the State Board of Independent Colleges and Universities and the State Board of Nonpublic Career Education; requiring certain entities to consult with the Commission for Independent Education; amending s. 456.028, F.S.; eliminating a reference to the State Board of Independent Colleges and Universities and the State Board of Nonpublic Career Education; requiring certain entities to consult with the Commission for Independent Education; amending s. 467.009, F.S.; transferring certain duties from the authority of the State Board of Nonpublic Career Education to the Commission for Independent Education; amending s. 488.01, F.S.; transferring certain duties from the State Board of Nonpublic Career Education to the Commission for Independent Education; amending s. 489.125, F.S.; eliminating a reference to the Commissioner of Education; providing rulemaking authority of the State Board of Education; amending s. 817.566, F.S.; correcting a cross-reference; transferring certain duties from the State Board of Independent Colleges and Universities to the Commission for Independent Education; amending s. 817.567, F.S.; correcting a cross-reference; transferring certain duties from the State Board of Independent Colleges and Universities to the Commission for Independent Education; amending s. 943.22, F.S.; replacing a reference to the Accrediting Commission for Independent Colleges and Schools; amending s. 1000.04, F.S.; correcting terminology; amending s. 1001.26, F.S.; correcting a cross-reference; amending s. 1001.372, F.S.; correcting an internal reference; amending s. 1001.42, F.S.; correcting a cross-reference; amending s. 1001.50, F.S.; eliminating age as a criterion of compensation for district school superintendents; amending s. 1001.74, F.S.; correcting a cross-reference; amending s. 1002.01, F.S.; correcting a cross-reference; amending s. 1002.32, F.S.; redesignating a developmental research school as a “lab” school; deleting a cross-reference; amending s. 1002.33, F.S.; requiring compliance with s.

1012.45, F.S., for transportation of charter school students; amending s. 1002.42, F.S.; correcting a cross-reference; amending s. 1002.43, F.S.; correcting a cross-reference; amending s. 1003.63, F.S.; eliminating the authority of the State Board of Education to waive law; amending s. 1004.24, F.S.; eliminating an obsolete reference to postaudits of financial accounts; providing for financial audit pursuant to s. 11.45, F.S.; amending s. 1004.26, F.S.; revising provisions relating to university oversight of student government; amending s. 1004.445, F.S.; eliminating an obsolete reference to postaudit of financial accounts; requiring a financial audit pursuant to s. 11.45, F.S.; amending s. 1005.04, F.S.; correcting an error in punctuation; amending s. 1006.14, F.S.; correcting an error in punctuation; amending s. 1006.21, F.S.; deleting references to “regulations” and conforming references to State Board of Education; amending s. 1007.21, F.S.; deleting references to guardians; amending s. 1008.37, F.S.; correcting a date; amending s. 1009.29, F.S.; correcting reference to State Board of Education; correcting reference to the number of state universities; amending s. 1009.531, F.S.; correcting an error in grammar; amending s. 1009.534, F.S.; revising provisions relating to rules concerning the Florida Academic Scholars award; amending s. 1009.535, F.S.; revising provisions relating to rules concerning the Florida Medallion Scholars award; amending s. 1009.539, F.S.; redesignating the Florida Merit Scholars award as the Florida Medallion Scholars award; transferring certain duties of the Articulation Coordinating Committee to the State Board of Education; correcting a cross-reference; amending s. 1009.765, F.S.; revising provisions relating to rules concerning the Ethics in Business scholarships; amending s. 1009.77, F.S.; revising provisions relating to rules concerning the Florida Work Experience Program; amending s. 1010.75, F.S.; providing that fees be remitted for disbursement from the Teacher Certification Examination Trust Fund; amending s. 1011.60, F.S.; deleting a cross-reference; amending s. 1011.62, F.S.; redesignating the Accrediting Commission of the Association of Independent Colleges and Schools as the Accrediting Council for Independent Colleges and Schools; amending s. 1012.21, F.S.; correcting a reference to the Department of Education; amending s. 1012.585, F.S.; correcting the name of a trust fund; correcting a cross-reference; amending s. 1012.62, F.S.; correcting a cross-reference; amending s. 1012.74, F.S.; correcting cross-references; amending s. 1012.79, F.S.; correcting a cross-reference; amending s. 1012.795, F.S.; designating the appointed representative of a district school superintendent to receive certain records concerning certain offenses; amending s. 1012.796, F.S.; correcting cross-references; amending s. 1012.98, F.S.; requiring consultation with state university faculty; amending 1013.73, F.S.; correcting a cross-reference; amending s. 1013.74, F.S.; eliminating an obsolete cross-reference; providing an effective date.

—was read the second time by title.

The Committee on Appropriations recommended the following amendment which was moved by Senator Wasserman Schultz and adopted:

Amendment 1 (103660)(with title amendment)—On page 50, between lines 15 and 16, insert:

Section 56. Subsection (19) of section 1001.74, Florida Statutes, is amended to read:

1001.74 Powers and duties of university boards of trustees.—

(19) Each board of trustees shall establish the personnel program for all employees of the university, including the president, pursuant to the provisions of chapter 1012 and, in accordance with rules and guidelines of the State Board of Education, including: compensation and other conditions of employment, recruitment and selection, nonreappointment, standards for performance and conduct, evaluation, benefits and hours of work, leave policies, recognition and awards, inventions and works, travel, learning opportunities, exchange programs, academic freedom and responsibility, promotion, assignment, demotion, transfer, tenure and permanent status, ethical obligations and conflicts of interest, restrictive covenants, disciplinary actions, complaints, appeals and grievance procedures, and separation and termination from employment. The Department of Management Services shall retain authority over state university employees for programs established in ss. 110.123, 110.161, 110.1232, 110.1234, and 110.1238 and in chapters 121, 122, and 238.

Section 57. Subsection (2) of section 110.161, Florida Statutes, is amended to read:

110.161 State employees; pretax benefits program.—

(2) As used in this section, “employee” means any individual filling an authorized and established position in the executive, legislative, or judicial branch of the state, including the employees of the State Board of Administration *and the state universities*.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 5, line 16, after the semicolon (;) insert: amending s. 1001.74, F.S.; requiring the Department of Management Services to continue to administer the pre-tax benefit program for state university employees; amending s. 110.161, F.S.; including employees of state universities in definition for purposes of pretax benefits program;

Senator Campbell moved the following amendment:

Amendment 2 (172240)(with title amendment)—On page 50, between lines 15 and 16, insert: *The following shall take all portions of the Florida Comprehensive Assessment Test (FCAT), no later than June 1, 2004:*

1. *Each member of the Florida Senate;*
2. *Each member of the Florida House of Representatives;*
3. *Each member of the Florida Cabinet, as specified in s. 4, Article IV of the State Constitution;*
4. *Each head of a “department,” as defined in s. 20.03(4);*
5. *Each “Secretary” of a department, as defined in s. 20.03(5);*
6. *Each “Executive Director” of a department, as defined in s. 20.03(6);*
7. *Each member of a “council” or “advisory council,” as defined in s. 20.03(7);*
8. *Each member of a “Commission,” as defined in s. 20.03(10); and*
9. *Each member of a “Board of Trustees,” as defined in s. 20.03(12).*

And the title is amended as follows:

On page 5, line 16 after the semicolon (;) insert: requiring specified constitutional officers, public officers and public employees to take the Florida Comprehensive Assessment Test;

On motion by Senator Constantine, further consideration of **CS for SB 1772** with pending **Amendment 2 (172240)** was deferred.

On motion by Senator Bennett—

CS for SB 1216—A bill to be entitled An act relating to domestic violence centers; amending ss. 39.903 and 39.905, F.S.; removing a requirement that the Department of Children and Family Services approve or reject applications for funding received from domestic violence centers; requiring the statewide association under contract with the department to provide technical assistance to certified domestic violence centers and to administer and evaluate the services provided by the centers; requiring the association to approve or reject applications for funding; requiring that funds be distributed to certified domestic violence centers according to a formula approved by the department; providing requirements for contracts between the statewide association and certified domestic violence centers; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1216** was placed on the calendar of Bills on Third Reading.

On motion by Senator Jones—

CS for SB 956—A bill to be entitled An act relating to liability under the drycleaning solvent cleanup program; amending s. 376.301, F.S.; defining the term “nearby real property owner” with respect to protection and restoration of lands and surface and ground waters; amending

s. 376.3078, F.S.; exempting certain property owners from liability for damages arising from contamination by drycleaning solvents in certain circumstances; providing for retroactive application; amending s. 376.313, F.S.; revising provisions that provide nonexclusiveness of remedies and individual causes of action; providing an effective date.

—was read the second time by title.

Senator Jones moved the following amendments which were adopted:

Amendment 1 (151890)(with title amendment)—On page 2, line 3 through page 3, line 3, delete those lines and insert:

Section 2. Subsections (1), (3), and (11) of section 376.3078, Florida Statutes, are amended to read:

376.3078 Drycleaning facility restoration; funds; uses; liability; recovery of expenditures.—

(1) FINDINGS.—In addition to the legislative findings set forth in s. 376.30, the Legislature finds and declares that:

(a) Significant quantities of drycleaning solvents have been discharged in the past at drycleaning facilities as part of the normal operation of these facilities.

(b) Discharges of drycleaning solvents at such drycleaning facilities have occurred and are occurring, and pose a significant threat to the quality of the groundwaters and inland surface waters of this state.

(c) Where contamination of the groundwater or surface water has occurred, remedial measures have often been delayed for long periods while determinations as to liability and the extent of liability are made, and such delays result in the continuation and intensification of the threat to the public health, safety, and welfare; in greater damage to the environment; and in significantly higher costs to contain and remove the contamination.

(d) Adequate financial resources must be readily available to provide for the expeditious supply of safe and reliable alternative sources of potable water to affected persons and to provide a means for investigation and rehabilitation of contaminated sites without delay.

(e) It is the intent of the Legislature to encourage real property owners to undertake the voluntary cleanup of property contaminated with drycleaning solvents and that the immunity provisions of this section and all other available defenses be construed in favor of real property owners.

(f) *Strong public interests are served by subsections (3) and (11). These include improving the marketability and use of, and the ability to borrow funds as to, property contaminated by drycleaning solvents and encouraging the voluntary remediation of contaminated sites. The extent to which claims or rights are affected by subsections (3) and (11) is offset by the remedies created in this section. The limitations imposed by these subsections on such claims or rights are reasonable when balanced against the public interests served. The claims or rights affected by subsections (3) and (11) are speculative, and these subsections are intended to prevent judicial interpretations allowing windfall awards that thwart the public-interest provisions of this section.*

(3) REHABILITATION LIABILITY.—

(a) In accordance with the eligibility provisions of this section, a ~~ne~~ nearby real property owner, ~~ne~~ person who owns or operates, or who otherwise could be liable as a result of the operation of, a drycleaning facility or a wholesale supply facility ~~is not liable for or shall be subject to:~~

1. *Claims of any person, except for any governmental entity, for property damage of any kind, including, but not limited to, diminished value of real property or improvements; lost or delayed rent, sale, or use of real property or improvements; or stigma to real property or improvements caused by drycleaning-solvent contamination; or*

2. Administrative or judicial action brought by or on behalf of any state or local government or agency thereof or by or on behalf of any person to compel rehabilitation or pay for the costs of rehabilitation of environmental contamination resulting from the discharge of drycleaning solvents.

Subject to the delays that may occur as a result of the prioritization of sites under this section for any qualified site, costs for activities described in paragraph (2)(b) shall be absorbed at the expense of the drycleaning facility restoration funds, without recourse to reimbursement or recovery from the real property owner, *nearby real property owner*, or the owner or operator of the drycleaning facility or the wholesale supply facility. *Notwithstanding any other provision of this chapter, this subsection applies to causes of action accruing on or after the effective date of this act and applies retroactively to causes of action accruing before the effective date of this act for which a lawsuit has not been filed before the effective date of this act.*

(b)(a) With regard to drycleaning facilities or wholesale supply facilities that have operated as drycleaning facilities or wholesale supply facilities on or after October 1, 1994, any such drycleaning facility or wholesale supply facility at which there exists contamination by drycleaning solvents shall be eligible under this subsection regardless of when the drycleaning contamination was discovered, provided that the drycleaning facility or the wholesale supply facility:

1. Has been registered with the department;
2. Is determined by the department to be in compliance with the department's rules regulating drycleaning solvents, drycleaning facilities, or wholesale supply facilities on or after November 19, 1980;
3. Has not been operated in a grossly negligent manner at any time on or after November 19, 1980;
4. Has not been identified to qualify for listing, nor is listed, on the National Priority List pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 as amended by the Superfund Amendments and Reauthorization Act of 1986, and as subsequently amended;
5. Is not under an order from the United States Environmental Protection Agency pursuant to s. 3008(h) of the Resource Conservation and Recovery Act as amended (42 U.S.C.A. s. 6928(h)), or has not obtained and is not required to obtain a permit for the operation of a hazardous waste treatment, storage, or disposal facility, a postclosure permit, or a permit pursuant to the federal Hazardous and Solid Waste Amendments of 1984;

and provided that the real property owner or the owner or operator of the drycleaning facility or the wholesale supply facility has not willfully concealed the discharge of drycleaning solvents and has remitted all taxes due pursuant to ss. 376.70 and 376.75, has provided documented evidence of contamination by drycleaning solvents as required by the rules developed pursuant to this section, has reported the contamination prior to December 31, 1998, and has not denied the department access to the site.

(c)(b) With regard to drycleaning facilities or wholesale supply facilities that cease to be operated as drycleaning facilities or wholesale supply facilities prior to October 1, 1994, such facilities, at which there exists contamination by drycleaning solvents, shall be eligible under this subsection regardless of when the contamination was discovered, provided that the drycleaning facility or wholesale supply facility:

1. Was not determined by the department, within a reasonable time after the department's discovery, to have been out of compliance with the department rules regulating drycleaning solvents, drycleaning facilities, or wholesale supply facilities implemented at any time on or after November 19, 1980;
2. Was not operated in a grossly negligent manner at any time on or after November 19, 1980;
3. Has not been identified to qualify for listing, nor is listed, on the National Priority List pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986, and as subsequently amended; and
4. Is not under an order from the United States Environmental Protection Agency pursuant to s. 3008(h) of the Resource Conservation and Recovery Act, as amended, or has not obtained and is not required to obtain a permit for the operation of a hazardous waste treatment, storage, or disposal facility, a postclosure permit, or a permit pursuant to the federal Hazardous and Solid Waste Amendments of 1984;

and provided that the real property owner or the owner or operator of the drycleaning facility or the wholesale supply facility has not willfully concealed the discharge of drycleaning solvents, has provided documented evidence of contamination by drycleaning solvents as required by the rules developed pursuant to this section, has reported the contamination prior to December 31, 1998, and has not denied the department access to the site.

(d)(e) For purposes of determining eligibility, a drycleaning facility or wholesale supply facility was operated in a grossly negligent manner if the department determines that the owner or operator of the drycleaning facility or the wholesale supply facility:

1. Willfully discharged drycleaning solvents onto the soils or into the waters of the state after November 19, 1980, with the knowledge, intent, and purpose that the discharge would result in harm to the environment or to public health or result in a violation of the law;
2. Willfully concealed a discharge of drycleaning solvents with the knowledge, intent, and purpose that the concealment would result in harm to the environment or to public health or result in a violation of the law; or
3. Willfully violated a local, state, or federal law or rule regulating the operation of drycleaning facilities or wholesale supply facilities with the knowledge, intent, and purpose that the act would result in harm to the environment or to public health or result in a violation of the law.

(e)(d)1. With respect to eligible drycleaning solvent contamination reported to the department as part of a completed application as required by the rules developed pursuant to this section by June 30, 1997, the costs of activities described in paragraph (2)(b) shall be absorbed at the expense of the drycleaning facility restoration funds, less a \$1,000 deductible per incident, which shall be paid by the applicant or current property owner. The deductible shall be paid within 60 days after receipt of billing by the department.

2. For contamination reported to the department as part of a completed application as required by the rules developed under this section, from July 1, 1997, through September 30, 1998, the costs shall be absorbed at the expense of the drycleaning facility restoration funds, less a \$5,000 deductible per incident. The deductible shall be paid within 60 days after receipt of billing by the department.

3. For contamination reported to the department as part of a completed application as required by the rules developed pursuant to this section from October 1, 1998, through December 31, 1998, the costs shall be absorbed at the expense of the drycleaning facility restoration funds, less a \$10,000 deductible per incident. The deductible shall be paid within 60 days after receipt of billing by the department.

4. For contamination reported after December 31, 1998, no costs will be absorbed at the expense of the drycleaning facility restoration funds.

(f)(e) The provisions of this subsection shall not apply to any site where the department has been denied site access to implement the provisions of this section.

(g)(f) In order to identify those drycleaning facilities and wholesale supply facilities that have experienced contamination resulting from the discharge of drycleaning solvents and to ensure the most expedient rehabilitation of such sites, the owners and operators of drycleaning facilities and wholesale supply facilities are encouraged to detect and report contamination from drycleaning solvents related to the operation of drycleaning facilities and wholesale supply facilities. The department shall establish reasonable guidelines for the written reporting of drycleaning contamination and shall distribute forms to registrants under s. 376.303(1)(d), and to other interested parties upon request, to be used for such purpose.

(h)(g) A report of drycleaning solvent contamination at a drycleaning facility or wholesale supply facility made to the department by any person in accordance with this subsection, or any rules promulgated pursuant hereto, may not be used directly as evidence of liability for such discharge in any civil or criminal trial arising out of the discharge.

(i)(h) The provisions of this subsection shall not apply to drycleaning facilities owned or operated by the state or Federal Government.

(j)(4) Due to the value of Florida's potable water, it is the intent of the Legislature that the department initiate and facilitate as many cleanups as possible utilizing the resources of the state, local governments, and the private sector. The department is authorized to adopt necessary rules and enter into contracts to carry out the intent of this subsection and to limit or prevent future contamination from the operation of drycleaning facilities and wholesale supply facilities.

(k)(4) It is not the intent of the Legislature that the state become the owner or operator of a drycleaning facility or wholesale supply facility by engaging in state-conducted cleanup.

(l)(4) The owner, operator, and either the real property owner or agent of the real property owner may apply for the Drycleaning Contamination Cleanup Program by jointly submitting a completed application package to the department pursuant to the rules that shall be adopted by the department. If the application cannot be jointly submitted, then the applicant shall provide notice of the application to other interested parties. After reviewing the completed application package, the department shall notify the applicant in writing as to whether the drycleaning facility or wholesale supply facility is eligible for the program. If the department denies eligibility for a completed application package, the notice of denial shall specify the reasons for the denial, including specific and substantive findings of fact, and shall constitute agency action subject to the provisions of chapter 120. For the purposes of ss. 120.569 and 120.57, the real property owner and the owner and operator of a drycleaning facility or wholesale supply facility which is the subject of a decision by the department with regard to eligibility shall be deemed to be parties whose substantial interests are determined by the department's decision to approve or deny eligibility.

(m)(4) Eligibility under this subsection applies to the drycleaning facility or wholesale supply facility, *and attendant site rehabilitation applies to such facilities and to any place where drycleaning-solvent contamination migrating from the eligible facility is found.* A determination of eligibility or ineligibility shall not be affected by any conveyance of the ownership of the drycleaning facility, wholesale supply facility, or the real property on which such facility is located. Nothing contained in this chapter shall be construed to allow a drycleaning facility or wholesale supply facility which would not be eligible under this subsection to become eligible as a result of the conveyance of the ownership of the ineligible drycleaning facility or wholesale supply facility to another owner.

(n)(4) If funding for the drycleaning contamination rehabilitation program is eliminated, the provisions of this subsection shall not apply.

(o)(4)1. The department shall have the authority to cancel the eligibility of any drycleaning facility or wholesale supply facility that submits fraudulent information in the application package or that fails to continuously comply with the conditions of eligibility set forth in this subsection, or has not remitted all fees pursuant to s. 376.303(1)(d), or has not remitted the deductible payments pursuant to paragraph (e) (4).

2. If the program eligibility of a drycleaning facility or wholesale supply facility is subject to cancellation pursuant to this section, then the department shall notify the applicant in writing of its intent to cancel program eligibility and shall state the reason or reasons for cancellation. The applicant shall have 45 days to resolve the reason or reasons for cancellation to the satisfaction of the department. If, after 45 days, the applicant has not resolved the reason or reasons for cancellation to the satisfaction of the department, the order of cancellation shall become final and shall be subject to the provisions of chapter 120.

(p)(4) A real property owner shall not be subject to administrative or judicial action brought by or on behalf of any person or local or state government, or agency thereof, for gross negligence or violations of department rules prior to January 1, 1990, which resulted from the operation of a drycleaning facility, provided that the real property owner demonstrates that:

1. The real property owner had ownership in the property at the time of the gross negligence or violation of department rules and did not cause or contribute to contamination on the property;

2. The real property owner was a distinct and separate entity from the owner and operator of the drycleaning facility, and did not have an ownership interest in or share in the profits of the drycleaning facility;

3. The real property owner did not participate in the operation or management of the drycleaning facility;

4. The real property owner complied with all discharge reporting requirements, and did not conceal any contamination; and

5. The department has not been denied access.

The defense provided by this paragraph does not apply to any liability under a federally delegated program.

(q)(4) A person whose property becomes contaminated due to geophysical or hydrologic reasons from the operation of a nearby drycleaning or wholesale supply facility and whose property has never been occupied by a business that utilized or stored drycleaning solvents or similar constituents is not subject to administrative or judicial action brought by or on behalf of another to compel the rehabilitation of or the payment of the costs for the rehabilitation of sites contaminated by drycleaning solvents, provided that the person:

1. Does not own and has never held an ownership interest in, or shared in the profits of, the drycleaning facility operated at the source location;

2. Did not participate in the operation or management of the drycleaning facility at the source location; and

3. Did not cause, contribute to, or exacerbate the release or threat of release of any hazardous substance through any act or omission.

The defense provided by this paragraph does not apply to any liability under a federally delegated program.

(r)(4) Nothing in this subsection precludes the department from considering information and documentation provided by private consultants, local government programs, federal agencies, or any individual which is relevant to an eligibility determination if the department provides the applicant with reasonable access to the information and its origin.

(11) VOLUNTARY CLEANUP.—A real property owner is authorized to conduct site rehabilitation activities at any time pursuant to department rules, either through agents of the real property owner or through responsible response action contractors or subcontractors, whether or not the facility has been determined by the department to be eligible for the drycleaning solvent cleanup program. A real property owner or any other person *who that* conducts site rehabilitation may not seek cost recovery from the department or the Water Quality Assurance Trust Fund for any such rehabilitation activities. A real property owner *who that* voluntarily conducts such site rehabilitation, whether commenced before or on or after October 1, 1995, shall be immune from *and have no liability for claims of any person, except for any governmental entity, for property damages of any kind, including, but not limited to, diminished value of real property or improvements; lost or delayed rent, sale, or use of real property or improvements; or stigma to real property or improvements caused by drycleaning-solvent contamination or be subject to any administrative or judicial action brought by or on behalf of* any person, state or local government, or agency thereof to compel or enjoin site rehabilitation or pay for the cost of rehabilitation of environmental contamination, *and or* to pay any fines or penalties regarding rehabilitation, as soon as the real property owner:

(a) Conducts contamination assessment and site rehabilitation consistent with state and federal laws and rules;

(b) Conducts such site rehabilitation in a timely manner according to a rehabilitation schedule approved by the department; and

(c) Does not deny the department access to the site. Upon completion of such site rehabilitation activities in accordance with the requirements of this subsection, the department shall render a site rehabilitation completion order.

The immunity set forth in this subsection also applies to any nearby real property owner. This immunity shall continue to apply to any real property owner who transfers, conveys, leases, or sells property on which a drycleaning facility is located so long as the voluntary cleanup activities continue. Notwithstanding any other provision of this chapter, this subsection applies to causes of action accruing on or after the effective date of this act and applies retroactively to causes of action accruing before the

effective date of this act for which a lawsuit has not been filed before the effective date of this act.

Section 3. Subsection (4) of section 376.30781, Florida Statutes, is amended to read:

376.30781 Partial tax credits for rehabilitation of drycleaning-solvent-contaminated sites and brownfield sites in designated brownfield areas; application process; rulemaking authority; revocation authority.—

(4) To claim the credit, each applicant must apply to the Department of Environmental Protection for an allocation of the \$2 million annual credit by December 31 on a form developed by the Department of Environmental Protection in cooperation with the Department of Revenue. The form shall include an affidavit from each applicant certifying that all information contained in the application, including all records of costs incurred and claimed in the tax credit application, are true and correct. If the application is submitted pursuant to subparagraph (2)(a)2., the form must include an affidavit signed by the real property owner stating that it is not, and has never been, the owner or operator of the drycleaning facility where the contamination exists. Approval of partial tax credits must be accomplished on a first-come, first-served basis based upon the date complete applications are received by the Division of Waste Management. An applicant shall submit only one application per site per year. To be eligible for a tax credit the applicant must:

(a) Have entered into a voluntary cleanup agreement with the Department of Environmental Protection for a drycleaning-solvent-contaminated site or a Brownfield Site Rehabilitation Agreement, as applicable; and

(b) Have paid all deductibles pursuant to s. 376.3078(3)(e) ~~s. 376.3078(3)(d)~~ for eligible drycleaning-solvent-cleanup program sites.

And the title is amended as follows:

On page 1, lines 7-11, delete those lines and insert: waters; amending s. 376.3078, F.S.; providing additional legislative findings with respect to drycleaning facility restoration; exempting certain real property owners and nearby real property owners from liability for damages arising from contamination by drycleaning solvents in certain circumstances; providing for retroactive application; amending s. 376.30781, F.S.; conforming a cross-reference; amending

Amendment 2 (914386)(with title amendment)—On page 3, line 4 through page 4, line 7, delete those lines and insert:

Section 3. Subsection (3) of section 376.3079, Florida Statutes, is amended to read:

376.3079 Third-party liability insurance.—

(3) For purposes of this section and s. 376.3078, the term:

(a) “Third-party liability” means the insured’s liability, other than for site rehabilitation costs and property damage, for bodily injury or property damage caused by an incident of contamination related to the operation of a drycleaning facility or wholesale supply facility.

(b) “Incident” means any sudden or gradual discharge of drycleaning solvents arising from the operation of a drycleaning facility or wholesale supply facility that results in a need for site rehabilitation or results in bodily injury or property damage neither expected nor intended by the drycleaning facility owner or operator or wholesale supply facility.

Section 4. Subsection (6) of section 376.308, Florida Statutes, is amended to read:

376.308 Liabilities and defenses of facilities.—

(6) ~~This section may not~~ ~~Nothing herein shall~~ be construed to affect cleanup program eligibility under ss. 376.305(6), 376.3071, 376.3072, 376.3078, and 376.3079. Except as otherwise expressly provided in this chapter, nothing in this chapter shall affect, void, or defeat any immunity of any real property owner or nearby real property owner under s. 376.3078.

Section 5. Subsection (3) and paragraph (a) of subsection (5) of section 376.313, Florida Statutes, are amended to read:

376.313 Nonexclusiveness of remedies and individual cause of action for damages under ss. 376.30-376.319.—

(3) ~~Except as provided in s. 376.3078(3) and (11) Notwithstanding any other provision of law,~~ nothing contained in ss. 376.30-376.319 prohibits any person from bringing a cause of action in a court of competent jurisdiction for all damages resulting from a discharge or other condition of pollution covered by ss. 376.30-376.319. Nothing in this chapter shall prohibit or diminish a party’s right to contribution from other parties jointly or severally liable for a prohibited discharge of pollutants or hazardous substances or other pollution conditions. Except as otherwise provided in subsection (4) or subsection (5), in any such suit, it is not necessary for such person to plead or prove negligence in any form or manner. Such person need only plead and prove the fact of the prohibited discharge or other pollutive condition and that it has occurred. The only defenses to such cause of action shall be those specified in s. 376.308.

(5)(a) In any civil action against the owner or operator of a drycleaning facility or a wholesale supply facility, or the owner of the real property on which such facility is located, if such facility is not eligible under s. 376.3078(3) and is not involved in voluntary cleanup under s. 376.3078(11), for damages arising from the discharge of drycleaning solvents from a drycleaning facility or wholesale supply facility, the provisions of subsection (3) shall not apply if it can be proven that, at the time of the discharge the alleged damages resulted solely from a discharge from a drycleaning facility or wholesale supply facility that was in compliance with department rules regulating drycleaning facilities or wholesale supply facilities.

And the title is amended as follows:

On page 1, delete line 12 and insert: s. 376.3079, F.S.; redefining the term “third-party liability” with respect to third-party liability insurance; amending s. 376.308, F.S.; revising applicability of provisions that set out liabilities and defenses of facilities; amending s. 376.313, F.S.; revising provisions that

Pursuant to Rule 4.19, **CS for SB 956** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Jones—

CS for SB 1566—A bill to be entitled An act relating to tourist development taxes; amending s. 125.0104, F.S.; limiting the use of certain funds raised by this tax; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1566** was placed on the calendar of Bills on Third Reading.

On motion by Senator Geller—

SB 590—A bill to be entitled An act relating to bingo; providing a short title; amending s. 849.0931, F.S.; defining the terms “instant bingo” and “deal”; providing rules for the operation of instant bingo games; providing penalties; providing requirements for the manufacture and sale of instant bingo tickets; providing duties of the Department of the Lottery; reenacting ss. 718.114, 723.079(8), F.S., relating to condominiums and homeowners’ associations, to incorporate the amendment to s. 849.0931, F.S., in references thereto; providing an effective date.

—was read the second time by title.

The Committee on Finance and Taxation recommended the following amendment which was moved by Senator Geller and adopted:

Amendment 1 (454816)—On page 6, lines 26-29, delete those lines and insert:

(e) *Instant bingo tickets, rules of play, record keeping, and reporting for instant bingo games manufactured, sold, or distributed in this state*

must comply with the standards on pull-tabs of the North American Gaming Regulators Association, as amended.

Pursuant to Rule 4.19, **SB 590** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Villalobos—

SB 2356—A bill to be entitled An act relating to proceedings relating to children; amending s. 39.01, F.S.; revising definition of the term “other person responsible for a child’s welfare” to include employees of, and volunteers at, specified institutions; including public schools and religious organizations among specified institutions; amending s. 39.205, F.S.; increasing penalties relating to reporting of the sexual abuse of a child; providing an effective date.

—was read the second time by title.

Senator Villalobos moved the following amendment:

Amendment 1 (110970)—On page 2, line 2, after the period (.) insert: *Notwithstanding, any municipality may require by ordinance that any municipal employee whose job description includes responsibility for a child’s welfare or child’s care be subject to screening under s. 30.001(2)(d).*

MOTION

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

Senator Villalobos moved the following substitute amendment which was adopted:

Amendment 2 (044274)(with title amendment)—On page 2, between lines 20 and 21, insert:

Section 3. Section 39.00145, Florida Statutes, is created to read:

39.00145 Municipal employees responsible for child’s welfare.—Any municipality may require by ordinance that any municipal employee whose job description includes responsibility for a child’s welfare or child’s care be drug tested pursuant to the procedures and requirements of s. 112.0455, the Drug-Free Workplace Act.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 11, after the semicolon (;) insert: creating s. 39.00145, F.S.; permitting municipalities to require certain municipal employees to be drug tested;

Pursuant to Rule 4.19, **SB 2356** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

CS for SB 218—A bill to be entitled An act relating to the Uniform Commercial Code; amending s. 679.509, F.S.; providing additional requirements for filing certain amendments to financing statements; amending s. 679.513, F.S.; clarifying the requirements for filing termination of financing statements; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 218** was placed on the calendar of Bills on Third Reading.

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

CS for SB 1772—A bill to be entitled An act relating to education; amending s. 24.121, F.S.; correcting a cross-reference; amending s. 212.055, F.S.; eliminating references to the Florida Frugal Schools Program; amending s. 216.136, F.S.; eliminating reference to an obsolete

board; providing that the executive director of the Commission for Independent Education is a member of the Workforce Estimating Conference; amending s. 316.615, F.S.; revising provisions relating to rule-making with respect to school bus operation; amending s. 402.305, F.S.; revising provisions relating to rules with respect to child care facilities; amending s. 409.1451, F.S.; correcting a cross-reference; amending s. 445.0123, F.S.; eliminating a reference to State Board of Independent Colleges and Universities; prescribing duties of the Commission for Independent Education with respect to determining eligibility for certain students; amending s. 455.2125, F.S.; eliminating a reference to the State Board of Independent Colleges and Universities and the State Board of Nonpublic Career Education; requiring certain entities to consult with the Commission for Independent Education; amending s. 456.028, F.S.; eliminating a reference to the State Board of Independent Colleges and Universities and the State Board of Nonpublic Career Education; requiring certain entities to consult with the Commission for Independent Education; amending s. 467.009, F.S.; transferring certain duties from the authority of the State Board of Nonpublic Career Education to the Commission for Independent Education; amending s. 488.01, F.S.; transferring certain duties from the State Board of Nonpublic Career Education to the Commission for Independent Education; amending s. 489.125, F.S.; eliminating a reference to the Commissioner of Education; providing rulemaking authority of the State Board of Education; amending s. 817.566, F.S.; correcting a cross-reference; transferring certain duties from the State Board of Independent Colleges and Universities to the Commission for Independent Education; amending s. 817.567, F.S.; correcting a cross-reference; transferring certain duties from the State Board of Independent Colleges and Universities to the Commission for Independent Education; amending s. 943.22, F.S.; replacing a reference to the Accrediting Commission for Independent Colleges to one for the Accrediting Council for Independent Colleges and Schools; amending s. 1000.04, F.S.; correcting terminology; amending s. 1001.26, F.S.; correcting a cross-reference; amending s. 1001.372, F.S.; correcting an internal reference; amending s. 1001.42, F.S.; correcting a cross-reference; amending s. 1001.50, F.S.; eliminating age as a criterion of compensation for district school superintendents; amending s. 1001.74, F.S.; correcting a cross-reference; amending s. 1002.01, F.S.; correcting a cross-reference; amending s. 1002.32, F.S.; redesignating a developmental research school as a “lab” school; deleting a cross-reference; amending s. 1002.33, F.S.; requiring compliance with s. 1012.45, F.S., for transportation of charter school students; amending s. 1002.42, F.S.; correcting a cross-reference; amending s. 1002.43, F.S.; correcting a cross-reference; amending s. 1003.63, F.S.; eliminating the authority of the State Board of Education to waive law; amending s. 1004.24, F.S.; eliminating an obsolete reference to postaudits of financial accounts; providing for financial audit pursuant to s. 11.45, F.S.; amending s. 1004.26, F.S.; revising provisions relating to university oversight of student government; amending s. 1004.445, F.S.; eliminating an obsolete reference to postaudit of financial accounts; requiring a financial audit pursuant to s. 11.45, F.S.; amending s. 1005.04, F.S.; correcting an error in punctuation; amending s. 1006.14, F.S.; correcting an error in punctuation; amending s. 1006.21, F.S.; deleting references to “regulations” and conforming references to State Board of Education; amending s. 1007.21, F.S.; deleting references to guardians; amending s. 1008.37, F.S.; correcting a date; amending s. 1009.29, F.S.; correcting reference to State Board of Education; correcting reference to the number of state universities; amending s. 1009.531, F.S.; correcting an error in grammar; amending s. 1009.534, F.S.; revising provisions relating to rules concerning the Florida Academic Scholars award; amending s. 1009.535, F.S.; revising provisions relating to rules concerning the Florida Medallion Scholars award; amending s. 1009.539, F.S.; redesignating the Florida Merit Scholars award as the Florida Medallion Scholars award; transferring certain duties of the Articulation Coordinating Committee to the State Board of Education; correcting a cross-reference; amending s. 1009.765, F.S.; revising provisions relating to rules concerning the Ethics in Business scholarships; amending s. 1009.77, F.S.; revising provisions relating to rules concerning the Florida Work Experience Program; amending s. 1010.75, F.S.; providing that fees be remitted for disbursement from the Teacher Certification Examination Trust Fund; amending s. 1011.60, F.S.; deleting a cross-reference; amending s. 1011.62, F.S.; redesignating the Accrediting Commission of the Association of Independent Colleges and Schools as the Accrediting Council for Independent Colleges and Schools; amending s. 1012.21, F.S.; correcting a reference to the Department of Education; amending s. 1012.585, F.S.; correcting the name of a trust fund; correcting a cross-reference; amending s. 1012.62, F.S.; correcting a cross-reference; amending s. 1012.74, F.S.; correcting cross-references; amending s. 1012.79, F.S.; correcting a cross-reference; amending s. 1012.795, F.S.; designating the appointed

representative of a district school superintendent to receive certain records concerning certain offenses; amending s. 1012.796, F.S.; correcting cross-references; amending s. 1012.98, F.S.; requiring consultation with state university faculty; amending 1013.73, F.S.; correcting a cross-reference; amending s. 1013.74, F.S.; eliminating an obsolete cross-reference; providing an effective date.

—which was previously considered and amended this day. Pending **Amendment 2 (172240)** by Senator Campbell was withdrawn.

Pursuant to Rule 4.19, **CS for SB 1772** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Dockery—

CS for SB 2192—A bill to be entitled An act relating to stamping of cigarettes in interstate commerce; amending s. 210.06, F.S.; requiring a wholesale dealer or distributing agent who transports or causes to be transported from this state cigarettes for sale in another state to affix to the cigarettes stamps required by the other state or to pay certain excise taxes; requiring a report to the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation; providing for rulemaking; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2192** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bennett, by two-thirds vote **HB 1227** was withdrawn from the Committees on Criminal Justice; and Judiciary.

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

HB 1227—A bill to be entitled An act relating to self-propelled knives; amending s. 790.225, F.S.; clarifying the definition of self-propelled knife, the unlawful manufacture, display, sale, ownership, possession, or use of which is prohibited; providing nonapplicability; providing a penalty; providing an effective date.

—a companion measure, was substituted for **SB 2256** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 1227** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 428** and **CS for CS for CS for SB 592** was deferred.

On motion by Senator Argenziano, by two-thirds vote **HB 1037** was withdrawn from the Committees on Agriculture; Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator Argenziano—

HB 1037—A bill to be entitled An act relating to a public records exemption for certain information contained in a rabies vaccination certificate; amending s. 828.30, F.S.; narrowing the exemption; specifying exempt information; adding clarifying language; making editorial changes; eliminating the condition of making a written request in order to view or copy rabies vaccination certificates; removing superfluous language; removing the October 2, 2003, repeal thereof scheduled pursuant to the Open Government Sunset Review Act of 1995; providing an effective date.

—a companion measure, was substituted for **CS for SB 462** and read the second time by title.

Pursuant to Rule 4.19, **HB 1037** was placed on the calendar of Bills on Third Reading.

On motion by Senator Wise—

CS for CS for SB 58—A bill to be entitled An act relating to direct-support organizations; creating s. 20.193, F.S.; providing for direct-support organizations for the benefit of the Department of Children and Family Services; providing for administration of funds; providing purposes and objectives; providing for incorporation of the organization and the appointment of the board; requiring funds to be used for the enhancement of department programs and projects; authorizing certain use of state property and facilities; requiring an annual audit; amending ss. 20.19 and 20.41, F.S.; authorizing designation of employees to solicit funds; creating s. 430.065, F.S.; providing for direct-support organizations for the benefit of the Department of Elderly Affairs; providing purposes and objectives; providing for incorporation of the organization and the appointment of the board; requiring funds to be used for the enhancement of department programs and projects; authorizing certain use of state property and facilities; requiring an annual audit; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 58** was placed on the calendar of Bills on Third Reading.

On motion by Senator Smith—

CS for CS for SB 428—A bill to be entitled An act relating to community control; providing a short title; amending s. 921.187, F.S.; incorporating the restrictions provided in s. 948.01(10), F.S., regarding placement of certain offenders on community control; amending s. 948.10, F.S.; requiring that the Department of Corrections review and verify whether an ineligible offender is placed on community control and notify the sentencing judge, the state attorney, and the Attorney General; requiring that the department report on ineligible placements to the chief judge and the state attorney; requiring the department provide a annual report to the Governor, the Legislature, and the Supreme Court on the placement of ineligible offenders on community control; requiring the department to develop and implement a supervision risk assessment instrument; providing requirements for department's annual report; requiring that the department study the use of electronic monitoring of offenders placed on community control; requiring a report to the Governor and the Legislature; providing an effective date.

—was read the second time by title.

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

On motion by Senator Smith—

SB 312—A bill to be entitled An act relating to the Department of Juvenile Justice; amending s. 985.407, F.S.; requiring the department to adopt by rule procedures for changing policies that affect certain contracted services and programs; requiring procedures for notice, public comment, assessment of fiscal impact, and response by the department; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 312** was placed on the calendar of Bills on Third Reading.

On motion by Senator Geller—

CS for CS for CS for SB 592—A bill to be entitled An act relating to corporate affairs; amending s. 617.01401, F.S.; defining the term "electronic transmission" for purposes of the Florida Not For Profit Corporation Act; amending s. 617.0141, F.S.; authorizing forms of electronic transmission of notice for domestic or foreign corporations; providing for a corporation member to revoke consent to receiving notice by electronic transmission; providing that an affidavit of notice by electronic transmission is, in the absence of fraud, prima facie evidence of the facts stated in the notice; creating s. 617.1803, F.S.; providing procedures for the domestication of foreign not-for-profit corporations; amending ss.

718.111 and 718.112, F.S.; revising provisions relating to insurance required for condominium property; providing legislative intent; authorizing the association to provide certain information to prospective purchasers or lienholders; authorizing fees; providing for a condominium association to transmit electronic notices to unit owners; providing that the association is not liable for erroneously disclosing certain address information; revising requirements for use of proxies for voting; authorizing the association to broadcast notice via a closed-circuit television system; prohibiting notice by electronic transmission for a recall of board members; providing for association bylaws to authorize the electronic transmission of notices; exempting certain condominiums, associations, or unit owners from specified retrofitting requirements pertaining to fire safety systems; requiring a report; amending s. 719.1055, F.S.; exempting certain cooperatives and unit owners from specified retrofitting requirements pertaining to fire safety; amending s. 718.116, F.S.; authorizing the association to charge a fee for preparation of the certificate of assessments and other moneys due; amending ss. 719.104 and 719.106, F.S.; revising provisions with respect to official records of a cooperative association; authorizing the association to provide certain information to prospective purchasers or lienholders; authorizing fees; providing for a cooperative association to transmit electronic notices to unit owners; providing that the association is not liable for erroneously disclosing certain address information; revising requirements for use of proxies for voting; authorizing the association to broadcast notice via a closed-circuit television system; prohibiting notice by electronic transmission for a recall of board members; providing for association bylaws to authorize the electronic transmission of notices; amending s. 719.108, F.S.; authorizing the association to charge a fee for preparation of the certificate of assessments and other moneys due; amending s. 720.302, F.S.; clarifying that corporations not for profit that operate residential homeowners' associations are subject to the Florida Not For Profit Corporation Act; amending s. 720.303, F.S.; authorizing a homeowners' association to broadcast notice via a closed-circuit television system; providing that the association is not liable for erroneously disclosing certain address information; amending s. 702.09, F.S.; redefining the term "mortgage" to include liens created pursuant to a homeowners' association as defined in s. 712.01, F.S.; amending s. 718.303, F.S.; providing that certain actions with respect to the obligation of condominium owners shall not be deemed actions for specific performance; amending s. 719.303, F.S.; providing that certain actions with respect to the obligation of cooperative owners shall not be deemed actions for specific performance; providing an effective date.

—was read the second time by title.

Senator Geller moved the following amendments which were adopted:

Amendment 1 (733370)—On page 32, line 18, after "interests" insert: *in the affected condominium*

Amendment 2 (234954)—On page 34, line 18, after "interests" insert: *in the affected cooperative*

Amendment 3 (225758)—On page 52, line 8, delete "chapter 617" and insert: *chapters 617 and 720*

Pursuant to Rule 4.19, **CS for CS for CS for SB 592** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Miller—

CS for CS for SB 204—A bill to be entitled An act relating to the use of credit reports and credit scores by insurers; creating s. 626.9741, F.S.; specifying that the act's purpose is to regulate and limit the use of credit reports and credit scores by insurers for underwriting and rating purposes; specifying the types of insurance to which the act applies; defining terms; requiring that an insurer identify the items in a credit report which resulted in an adverse decision; prohibiting an insurer from making an adverse decision based solely on a credit report or score or certain other factors; requiring an insurer to provide a means for appeal to an applicant or insured under certain circumstances; prohibiting the use of a credit report or score unless the Office of Insurance Regulation determines, based on a filing by the insurer, that such use is valid and reasonable; authorizing the Office of Insurance Regulation to disapprove such filings; requiring an insurer to adhere to certain laws and rules; requiring an insurer to provide for an adjustment in the premium of an

insured to reflect an improvement in credit history; authorizing the Financial Services Commission to adopt rules; providing for application; providing an effective date.

—was read the second time by title.

Senator Miller moved the following amendments which were adopted:

Amendment 1 (454552)—On page 4, line 23 through page 5, line 18, delete those lines and insert: *in which instance the insurer shall:*

a. *Treat the applicant or insured as if the applicant or insured had neutral credit information as defined by the insurer.*

b. *Treat the consumer as if the applicant or insured had neutral credit information, as defined by the insurer.*

c. *Exclude the use of credit information as a factor and use only other underwriting criteria;*

2. *Collection accounts with a medical industry code, if so identified on the consumer's credit report;*

3. *Place of residence; or*

4. *Any other circumstance that the Financial Services Commission determines, by rule, lacks sufficient statistical correlation and actuarial justification as a predictor of insurance risk.*

(d) *An insurer may use the number of credit inquiries requested or made regarding the applicant or insured except for:*

1. *Credit inquiries not initiated by the consumer or inquiries requested by the consumer for his or her own credit information.*

2. *Inquiries relating to insurance coverage, if so identified on a consumer's credit report.*

3. *Collection accounts with a medical industry code, if so identified on the consumer's credit report.*

4. *Multiple lender inquiries, if coded by the consumer reporting agency on the consumer's credit report as being from the home mortgage industry and made within 30 days of one another, unless only one inquiry is considered.*

5. *Multiple lender inquiries, if coded by the consumer reporting agency on the consumer's credit report as being from the automobile lending industry and made within 30 days of one another, unless only one inquiry is considered.*

(e) *An insurer must, upon the request of an applicant or insured, provide a means of appeal for an applicant or insured whose credit report or credit score is unduly influenced by a dissolution of marriage, the death of a spouse, or temporary loss of employment. The insurer must complete its review within 10 business days after the request by the applicant or insured and receipt of reasonable documentation requested by the insurer, and, if the insurer determines that the credit report or credit score was unduly influenced by any of such factors, the insurer shall treat the applicant or insured as if the applicant or insured had neutral credit information or shall exclude the credit information, as defined by the insurer, whichever is more favorable to the applicant or insured. An insurer shall not be considered out of compliance with its underwriting rules or rates or forms filed with the Office of Insurance Regulation or out of compliance with any other state law or rule as a result of granting any exceptions pursuant to this subsection.*

Amendment 2 (495404)—On page 5, line 29 through page 6, line 20, delete those lines and insert:

(7)(a) *An insurer shall establish procedures to review the credit history of an insured who was adversely affected by the use of the insured's credit history at the initial rating of the policy, or at a subsequent renewal thereof. This review must be performed at a minimum of once every 2 years or at the request of the insured, whichever is sooner, and the insurer shall adjust the premium of the insured to reflect any improvement in the credit history. The procedures must provide that, with respect to existing policyholders, the review of a credit report will not be used by the insurer to cancel, refuse to renew, or require a change in the method of payment or payment plan.*

(b) *However, as an alternative to the requirements of paragraph (a), an insurer that used a credit report or credit score for an insured upon inception of a policy, who will not use a credit report or score for re-underwriting, shall reevaluate the insured within the first 3 years after inception, based on other allowable underwriting or rating factors, excluding credit information if the insurer does not increase the rates or premium charged to the insured based on the exclusion of credit reports or credit scores.*

Pursuant to Rule 4.19, **CS for CS for SB 204** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **SB 1582** was deferred.

On motion by Senator Argenziano—

CS for CS for SB's 140, 998 and 1060—A bill to be entitled An act relating to utilities; amending s. 163.01, F.S.; providing applicability of provisions relating to ownership and operation of utilities by entities composed of municipalities and counties; prescribing powers of counties and specified municipalities with respect to acquisition of water utilities and wastewater utilities by separate legal entities composed of municipalities and counties; authorizing the Public Service Commission to review the acquisition of a utility by two or more host governments; providing for a binding arbitration process under the Public Service Commission to resolve certain disputes relating to utility acquisition; authorizing the commission to adopt rules; requiring the Public Service Commission to establish rules that base the acquisition price for a host government to acquire a utility on certain information; amending s. 120.52, F.S.; deleting an exception from the requirements of ch. 120, F.S., for an entity created under s. 163.01(7)(g)1., F.S.; amending s. 367.021, F.S.; excluding an entity created under s. 163.01(7)(g)1., F.S., from the definition of “governmental authority”; amending s. 367.071, F.S.; deleting a provision authorizing a utility to be sold or transferred prior to approval of the Public Service Commission with a contingency clause in the contract; providing severability; providing applicability; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB's 140, 998 and 1060** was placed on the calendar of Bills on Third Reading.

On motion by Senator Saunders—

CS for SB 1582—A bill to be entitled An act relating to blood establishments; defining the term “blood establishment”; providing standards for the operation of a blood establishment; declaring a blood establishment that does not meet those standards to be nuisance; authorizing the Agency for Health Care Administration or any state attorney to bring an action for injunction to cease operations or enjoin future operations of any blood establishment that does not meet the standards and that endangers donors or recipients; providing an effective date.

—was read the second time by title.

Senator Saunders moved the following amendment which was adopted:

Amendment 1 (204328)—On page 2, lines 1-8, delete those lines and insert:

(3) *Any blood establishment determined to be operating in the state in a manner not consistent with the provisions of parts 211 and 600-640 of Title 21, Code of Federal Regulations, and in a manner that constitutes a danger to the health or well-being of donors or recipients as evidenced by the federal Food and Drug Administration's inspection reports and the revocation of the blood establishment's license or registration shall be in violation of this part and shall immediately cease all operations in the state.*

Pursuant to Rule 4.19, **CS for SB 1582** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

MOTION

On motion by Senator Sebesta, the Senate recalled from Engrossing—

CS for SB 2708—A bill to be entitled An act relating to motor vehicle dealers; amending s. 320.60, F.S.; revising definitions; defining “service”; amending s. 320.64, F.S.; prohibiting certain acts by licensee or applicant; providing for penalties, liability, and remedies for violation; amending s. 320.642, F.S.; revising provisions for evidence to be considered by the Department of Highway Safety and Motor Vehicles in making certain determinations of representation by preexisting dealers; providing criteria and procedures for protest of proposed addition or relocation of service-only dealership; requiring license to permit service only in certain circumstances; amending s. 320.643, F.S.; revising criteria and procedures for transfer, sale, or disposal of franchise agreements and acceptance or rejection by the licensee of such transfer, sale, or disposal; prohibiting certain acts by a licensee; amending s. 320.644, F.S.; defining “executive management”; revising criteria and procedures for change of executive management of motor vehicle dealership and acceptance or rejection by the licensee of such change; prohibiting certain acts by licensee; amending s. 320.645, F.S.; revising restriction upon ownership of dealership by licensee; amending s. 501.976, F.S.; revising specifications under the Florida Deceptive and Unfair Trade Practices Act for representation by dealer of vehicle as a demonstrator; deleting the requirement that a demonstrator must have been driven by a prospective customer; providing an effective date.

—for further consideration.

RECONSIDERATION OF AMENDMENT

On motion by Senator Wise, the Senate reconsidered the vote by which **Amendment 1 (404120)** was adopted. **Amendment 1** was withdrawn.

Pursuant to Rule 4.19, **CS for SB 2708** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

RECONSIDERATION OF BILL

On motion by Senator Campbell, the Senate reconsidered placing **CS for SB 218** on the Calendar of Bills on Third Reading.

On motion by Senator Campbell, by two-thirds vote **HB 283** was withdrawn from the Committees on Banking and Insurance; and Judiciary.

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

HB 283—A bill to be entitled An act relating to the Uniform Commercial Code; amending s. 679.509, F.S.; providing additional requirements for filing certain amendments to financing statements; amending s. 679.513, F.S.; providing exceptions to certain requirements for filing termination statements; providing an effective date.

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

Pursuant to Rule 4.19, **HB 283** was placed on the calendar of Bills on Third Reading.

On motion by Senator Smith—

CS for CS for SB 1056—A bill to be entitled An act relating to crimes against children; creating s. 938.10, F.S.; imposing an additional court cost against persons who plead guilty or nolo contendere to, or who are found guilty of, certain crimes against minors; requiring the clerk of the court to deposit the proceeds of the court cost into the State Treasury for deposit into a specified trust fund to be used to fund children's advocacy centers; requiring the clerk of the court to retain a portion of the court cost as a service charge; requiring annual reports; requiring a report to the Legislature; providing an appropriation; providing an effective date.

—was read the second time by title.

Senator Smith moved the following amendment which was adopted:

Amendment 1 (461780)(with title amendment)—On page 2, lines 19-23, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 1, lines 14 and 15, delete “providing an appropriation;”

Pursuant to Rule 4.19, **CS for CS for SB 1056** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Smith—

CS for SB 1048—A bill to be entitled An act relating to trust funds; creating the Child Advocacy Trust Fund within the Department of Children and Family Services; providing for sources of funds and purposes; requiring the development of an allocation methodology for distributing funds deposited in the trust fund; providing for funds to establish children’s advocacy centers; providing for an annual carryforward of funds; providing for future legislative review and termination or re-creation of the trust fund; providing a contingent effective date.

—was read the second time by title.

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

Amendment 1 (860148)—On page 1, lines 23 and 24, delete “*as a grants-in-aid*”

Senator Pruitt offered the following amendment which was moved by Senator Smith:

Amendment 2 (562074)(with title amendment)—On page 2, lines 12-17, delete those lines and insert: (2) Pursuant to Section 19(f)(2), Article III of the

And the title is amended as follows:

On page 1, lines 9 and 10, delete those lines and insert: providing for an annual carryforward of funds;

MOTION

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

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

Amendment 2A (552280)—In title, on page 1, delete line 25 and insert: advocacy centers; providing for future

Amendment 2 as amended was adopted.

Pursuant to Rule 4.19, **CS for SB 1048** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Wise—

CS for CS for SB 52—A bill to be entitled An act relating to driver’s licenses; amending s. 322.18, F.S.; requiring vision tests for certain applicants for license renewal; prohibiting those applicants from renewing by telephone or electronic means; requiring the department to study the effects of aging on driving ability; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 52** was placed on the calendar of Bills on Third Reading.

Consideration of **SJR 612** and **CS for CS for SB 2050** was deferred.

On motion by Senator Smith—

CS for SB 308—A bill to be entitled An act relating to specialty license plates; amending s. 320.08058, F.S.; revising the use of annual use fees from the sale of Sea Turtle license plates; providing an appropriation; repealing s. 370.12(1)(h), F.S., which provides for the Fish and Wildlife Conservation Commission to provide grants to conduct marine turtle research, conservation, and education activities; providing an effective date.

—was read the second time by title.

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

CS for SB 680—A bill to be entitled An act relating to Florida Gulf Coast University; authorizing a bachelor of science in human performance degree program with a concentration in athletic training at the university; providing an effective date.

—was read the second time by title.

MOTION

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

Senator Lawson offered the following amendment which was moved by Senator Saunders:

Amendment 1 (503340)(with title amendment)—On page 1, between lines 12 and 13, insert:

Section 2. *Florida Agricultural and Mechanical University is authorized to create a College of Public Health.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 2-6, delete those lines and insert: An act relating to state universities; amending s. 1002.32, F.S.; authorizing a developmental research school at Florida Gulf Coast University; authorizing a bachelor of science in human performance degree program with a concentration in athletic training at the university; authorizing Florida Agricultural and Mechanical University to create a College of Public Health; providing an effective date.

On motion by Senator Saunders, further consideration of **CS for SB 680** with pending **Amendment 1 (503340)** was deferred.

On motion by Senator Fasano—

CS for CS for SB 1220—A bill to be entitled An act relating to the sale of real property; requiring disclosures by nondeveloper owners of real property in deed-restricted communities; amending s. 689.26, F.S.; requiring disclosures to prospective parcel owners in a community; providing an effective date.

—was read the second time by title.

Senator Fasano moved the following amendment which was adopted:

Amendment 1 (424438)(with title amendment)—On page 1, line 11 through page 2, line 24, delete those lines and renumber subsequent sections.

And the title is amended as follows:

On page 1, lines 3 and 4, delete those lines.

Pursuant to Rule 4.19, **CS for CS for SB 1220** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Miller—

SB 614—A bill to be entitled An act relating to bus transportation; amending s. 316.70, F.S.; requiring the driving records of nonpublic

sector bus drivers to be checked for suspended or revoked licenses; providing that private school students may ride on public school buses and public school students may ride on private school buses, subject to specified conditions; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 614** was placed on the calendar of Bills on Third Reading.

On motion by Senator Wise—

SB 1370—A bill to be entitled An act relating to the remuneration of state university presidents; defining the terms “public funds,” “remuneration,” and “cash equivalent compensation”; limiting the annual remuneration of a state university president to \$225,000 from public funds; providing certain limitations on benefits for state university presidents under the Florida Retirement System; authorizing a party to provide cash or cash-equivalent compensation in excess of annual limit from nonpublic funds; eliminating any state obligation to provide cash or cash-equivalent compensation for state university presidents under certain circumstances; providing for prospective application; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1370** was placed on the calendar of Bills on Third Reading.

On motion by Senator Carlton—

CS for CS for SB 2242—A bill to be entitled An act relating to charter schools; amending s. 1002.33, F.S.; providing guiding principles; requiring an emphasis on reading; authorizing a state university or community college to sponsor a charter school; requiring certain accountability measures; revising application requirements; requiring fiscal projections in a charter application; extending the time allowed for the State Board of Education to act on an appeal; requiring auditors to provide notification of certain financial conditions; providing additional requirements for a charter school’s annual report; eliminating limitations on the number of charter schools per school district; revising the administrative fee the sponsor is authorized to withhold; revising provisions relating to the analysis of charter school performance; amending s. 1002.32, F.S.; correcting cross-references; providing duties with respect to lab schools; amending s. 1013.62, F.S.; revising conditions for charter schools to receive funding; revising purposes for which charter school capital outlay funds may be used; providing guidelines for allocation of charter school capital outlay funds; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 2242** was placed on the calendar of Bills on Third Reading.

On motion by Senator Smith—

CS for SB 1050—A bill to be entitled An act relating to the Fish and Wildlife Conservation Commission; amending s. 370.021, F.S.; providing additional penalties for the unlicensed sale or purchase of a saltwater product or the harvest or attempted harvest with intent to sell of a saltwater product; provides for civil penalties, imprisonment, permanent revocation of license privileges, and forfeiture of property involved in the offense; amending s. 327.30, F.S.; increasing the threshold amount at which a boating accident resulting in property damage only must be reported to the Division of Law Enforcement of the commission and certain other law enforcement agencies; amending s. 327.43, F.S.; deleting certain restrictions and penalties for anchoring or mooring a vessel within Silver Glen Run and Silver Glen Springs; repealing ss. 370.15(6) and 370.153(3)(c), F.S., relating to live bait shrimping; amending ss. 370.1535 and 370.154, F.S., relating to the regulation of shrimp fishing; conforming provisions to changes made by the act; amending s. 370.01, F.S.; defining the term “molest” for purposes of saltwater fisheries; amending s. 370.061, F.S.; conforming a cross-reference; amending s. 370.1107, F.S.; providing additional penalties for offenses involving unlawful possession of or interference with saltwater fisheries traps;

amending s. 370.13, F.S.; revising penalties for theft from, and providing penalties for theft of, stone crab traps; amending s. 370.135, F.S.; revising penalties for theft from, and providing penalties for theft of, blue crab traps; amending s. 370.142, F.S.; revising penalties for theft from, and providing penalties for theft or molestation of, spiny lobster traps; providing an effective date.

—was read the second time by title.

Senator Smith moved the following amendments which were adopted:

Amendment 1 (072158)—On page 2, line 21, delete “*section*” and insert: *subsection*

Amendment 2 (515334)—On page 6, line 15, delete “~~least\$2000\$500~~” and insert: least \$2,000 \$500

Amendment 3 (041666)—On page 8, line 31, delete “*s. 130.01*” and insert: *s. 370.01(26)*

Amendment 4 (124818)(with title amendment)—On page 16, between lines 17 and 18, insert:

Section 13. Paragraph (g) of subsection (1) and subsection (4) of section 327.73, Florida Statutes, are amended to read:

327.73 Noncriminal infractions.—

(1) Violations of the following provisions of the vessel laws of this state are noncriminal infractions:

(g) Section 328.72(13)(14), relating to operation with an expired registration.

Any person cited for a violation of any such provision shall be deemed to be charged with a noncriminal infraction, shall be cited for such an infraction, and shall be cited to appear before the county court. The civil penalty for any such infraction is \$50, except as otherwise provided in this section. Any person who fails to appear or otherwise properly respond to a uniform boating citation shall, in addition to the charge relating to the violation of the boating laws of this state, be charged with the offense of failing to respond to such citation and, upon conviction, be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. A written warning to this effect shall be provided at the time such uniform boating citation is issued.

(4) Any person charged with a noncriminal infraction under this section may:

(a) Pay the civil penalty, either by mail or in person, within 30 days of the date of receiving the citation; or,

(b) If he or she has posted bond, forfeit bond by not appearing at the designated time and location.

If the person cited follows either of the above procedures, he or she shall be deemed to have admitted the noncriminal infraction and to have waived the right to a hearing on the issue of commission of the infraction. Such admission shall not be used as evidence in any other proceedings. If a person who is cited for a violation of s. 327.395 can show a boating safety identification card issued to that person and valid at the time of the citation, the clerk of the court may dismiss the case and may assess a \$5 dismissal fee. *If a person who is cited for a violation of s. 328.72(13) can show proof of having a registration for that vessel which was valid at the time of the citation, the clerk may dismiss the case and may assess a \$5 dismissal fee.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 8, after the semicolon (;) insert: amending s. 327.73, F.S.; correcting a cross-reference; authorizing the clerk of the court to dismiss expired vessel registration citations upon proof of valid registration at the time of the offense; authorizing a dismissal fee;

Amendment 5 (501864)(with title amendment)—On page 16, between lines 17 and 18, insert:

Section 13. *Subsection (4) of section 5 of chapter 99-245, Laws of Florida, is repealed.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 8, after the semicolon (;) insert: repealing s. 5(4), ch. 99-245, Laws of Florida, relating to the assignment of bureaus within the commission;

Pursuant to Rule 4.19, **CS for SB 1050** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano—

CS for SB 2378—A bill to be entitled An act relating to veterans' affairs; amending s. 1.01, F.S.; revising the definition of the term "veteran"; providing preference eligibility to veterans who served in a campaign or expedition for which a campaign badge has been authorized; providing an end date to the Persian Gulf War; amending s. 295.07, F.S.; excluding active duty for training from criteria for eligibility for veterans' appointment and retention preference; amending s. 295.182, F.S.; deleting timeframe for authorization to receive contributions from public bodies to the Florida World War II Veterans Memorial Matching Trust Fund; amending s. 296.10, F.S.; authorizing the automatic adjustment in contributions to support a resident whenever there is an increase in benefit amounts payable under Title II of the Social Security Act; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2378** was placed on the calendar of Bills on Third Reading.

On motion by Senator Siplin—

SB 2436—A bill to be entitled An act relating to road designations; designating a portion of State Road 50 in Orange County as Martin L. King, Jr., Drive; directing the Department of Transportation to erect suitable markers; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 2436** was placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell, by two-thirds vote **HB 207** was withdrawn from the Committee on Health, Aging, and Long-Term Care.

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

HB 207—A bill to be entitled An act relating to pharmacy; amending s. 465.017, F.S.; requiring the Board of Pharmacy to adopt rules establishing guidelines for pharmacies to dispose of patient records; providing an effective date.

—a companion measure, was substituted for **SB 2670** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 207** was placed on the calendar of Bills on Third Reading.

On motion by Senator Cowin—

CS for CS for SB 144—A bill to be entitled An act relating to sexual assault victims; providing legislative intent; providing a short title; providing definitions; requiring the Department of Health by contract to represent and provide technical assistance to rape crisis centers; providing procedures for the distribution of certain funds; creating s. 938.085, F.S.; imposing a surcharge on certain violations to fund rape crisis centers; providing an appropriation; providing an effective date.

—was read the second time by title.

Senator Cowin moved the following amendment which was adopted:

Amendment 1 (043412)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *It is the intent of the Legislature through this act to make services available to each victim of sexual battery in this state.*

Section 2. *Access to services for victims of sexual battery.—*

(1) *This section may be cited by the popular name, the "Sexual Battery Victims' Access to Services Act."*

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

(a) *"Crisis-intervention services" means advice, counseling, or consultation provided by a sexual battery counselor or trained volunteer to a victim aimed at reducing the level of emotional trauma experienced by the victim.*

(b) *"Department" means the Department of Health.*

(c) *"Medical intervention" means services necessary for the forensic examination of a victim or medical treatment for injuries of a victim of sexual battery.*

(d) *"Rape crisis center" means any public or private agency that offers at least five of the sexual battery recovery services in paragraph (g) to victims of sexual battery and their families.*

(e) *"Sexual battery" has the same meaning as that term has in the offenses provided in section 794.011, Florida Statutes.*

(f) *"Sexual battery counselor" means any employee of a rape crisis center whose primary purpose is the rendering of advice, counseling, or assistance to victims of sexual battery.*

(g) *"Sexual battery recovery services" include the following services:*

1. *For victims who have reported the offense to law enforcement:*

a. *A telephone hotline that is operated 24 hours a day and answered by a sexual battery counselor or trained volunteer, as defined in section 90.5035, Florida Statutes.*

b. *Information and referral services.*

c. *Crisis-intervention services.*

d. *Advocacy and support services.*

e. *Therapy services.*

f. *Service coordination.*

g. *Programs to promote community awareness of available services.*

h. *Medical intervention.*

2. *For victims who have not reported the offense to law enforcement:*

a. *A telephone hotline that is operated 24 hours a day and answered by a sexual battery counselor or trained volunteer, as defined in section 90.5035, Florida Statutes.*

b. *Information and referral services.*

c. *Crisis-intervention services.*

d. *Advocacy and support services.*

e. *Therapy services.*

f. *Service coordination.*

g. *Programs to promote community awareness of available services.*

(i) *"Trained volunteer" means a person who volunteers at a rape crisis center, has completed 30 hours of training in assisting victims of sexual violence and related topics provided by the rape crisis center, is supervised by members of the staff of the rape crisis center, and is included on a list of volunteers which is maintained by the rape crisis center.*

(j) "Victim" means a person who consults a sexual battery counselor or a trained volunteer for the purpose of securing advice, counseling, or assistance concerning a mental, physical, or emotional condition caused by a sexual battery.

(3)(a) The department shall contract with a statewide nonprofit association whose primary purpose is to represent and provide technical assistance to rape crisis centers. This association shall receive 95 percent of the Rape Crisis Program Trust Fund.

(b) Funds received under section 938.085, Florida Statutes, shall be used to provide sexual battery recovery services to victims and their families. Funds shall be distributed by county, based on an allocation formula that takes into account the population and rural characteristics of the county. No more than 15 percent of the funds shall be used for statewide initiatives, including developing service standards and a certification process for rape crisis centers. No more than 5 percent of the funds may be used for administrative costs.

(c) The department shall ensure that funds allocated under this section are expended in a manner that is consistent with the requirements of this section. The department may require an annual audit of the expenditures and shall provide a report to the Legislature by February 1 of each year.

Section 3. Section 938.085, Florida Statutes, is created to read:

938.085 Additional cost to fund rape crisis centers.—In addition to any sanction imposed when a person pleads guilty or nolo contendere to, or is found guilty of, regardless of adjudication, a violation of s. 784.011, s. 784.021, s. 784.03, s. 784.041, s. 784.045, s. 784.048, s. 784.07, s. 784.08, s. 784.081, s. 784.082, s. 784.083, s. 784.085, or s. 794.011, the court shall impose a surcharge of \$151. Payment of the surcharge shall be a condition of probation, community control, or any other court-ordered supervision. The sum of \$150 of the surcharge shall be deposited into the Rape Crisis Program Trust Fund established within the Department of Health by SB 146. The clerk of the court shall retain \$1 of each surcharge that the clerk of the court collects as a service charge of the clerk's office.

Section 4. The sum of \$917,000 is appropriated from the Rape Crisis Program Trust Fund to the Department of Health for the purpose of implementing this act during the 2003-2004 fiscal year.

Section 5. This act shall take effect July 1, 2003.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to services for victims of sexual battery; providing legislative intent with respect to enhancing the availability of services to victims of sexual battery; creating the "Sexual Battery Victims" Access to Services Act; providing definitions; authorizing the Department of Health to contract with a statewide nonprofit association for the purpose of allocating funds to rape crisis centers; requiring that funds be used to provide sexual battery recovery services to victims of sexual battery and their families; providing requirements and limitations with respect to distribution and use of funds; requiring an annual report to the Legislature on the use of funds; creating s. 938.085, F.S.; providing for an assessment of an additional court cost against any person who pleads guilty or nolo contendere to, or who is found guilty of, an act of sexual battery or other specified crimes; providing for deposit of the court cost into the Rape Crisis Program Trust Fund; providing for the trust fund to be used to support rape crisis centers; providing an appropriation; providing an effective date.

Pursuant to Rule 4.19, CS for CS for SB 144 as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Cowin—

SB 146—A bill to be entitled An act relating to trust funds; creating the Rape Crisis Program Trust Fund within the Department of Health; providing for the use of funds and the source of funds; requiring the Department of Health to adopt rules for distributing moneys in the trust fund; providing for review and termination or re-creation of the trust fund; providing a contingent effective date.

—was read the second time by title.

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

Amendment 1 (562944)—On page 2, line 4, delete "SB ____" and insert: SB 144

Senator Cowin moved the following amendment which was adopted:

Amendment 2 (194854)—On page 1, lines 23 and 24, delete those lines and insert: regardless of adjudication, an offense defined in section 784.011, section 784.021, section 784.03, section 784.041, section 784.045, section 784.048, section 784.07, section 784.08, section 784.081, section 784.082, section 784.083, section 785.085, or section 794.011, Florida Statutes.

Pursuant to Rule 4.19, SB 146 as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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

CS for SB 680—A bill to be entitled An act relating to Florida Gulf Coast University; authorizing a bachelor of science in human performance degree program with a concentration in athletic training at the university; providing an effective date.

—which was previously considered this day. Pending Amendment 1 (503340) by Senator Lawson was withdrawn.

Pursuant to Rule 4.19, CS for SB 680 was placed on the calendar of Bills on Third Reading.

On motion by Senator Aronberg—

CS for CS for SB 2050—A bill to be entitled An act relating to child custody evaluations; providing a presumption of good faith for the actions of a court-appointed psychologist who conducts a child custody evaluation; prohibiting anonymous complaints; providing prerequisites to a parent's bringing a legal action against the psychologist; providing for the award of reasonable attorney's fees and reasonable court costs; providing an effective date.

—was read the second time by title.

MOTION

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

Senator Aronberg moved the following amendment which was adopted:

Amendment 1 (092950)(with title amendment)—On page 2, lines 1-18, delete those lines and insert:

(3) A civil action or an administrative proceeding may not be filed against a court-appointed psychologist as a result of a child custody evaluation unless the court appointing the psychologist first finds, upon petition of any party to the action or proceeding, that the psychologist failed to act in good faith in conducting the child custody evaluation. If the court finds a lack of good faith, the court shall appoint another psychologist to conduct a further child custody evaluation. The court shall make a determination as to who is responsible for the court costs and attorney's fees associated with this section.

And the title is amended as follows:

On page 1, lines 6-9, delete those lines and insert: prohibiting anonymous complaints; providing for the court to appoint another psychologist; providing for the court to award attorney's fees and

Pursuant to Rule 4.19, CS for CS for SB 2050 as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

THE PRESIDENT PRESIDING

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

CS for CS for CS for SB 560 and CS for SB 2080—A bill to be entitled An act relating to medical malpractice insurance; providing legislative findings; amending s. 624.462, F.S.; authorizing health care providers to form a commercial self-insurance fund; amending s. 627.062, F.S.; providing that an insurer may not require arbitration of a rate filing for medical malpractice; providing additional requirements for medical malpractice insurance rate filings; providing that portions of judgments and settlements entered against a medical malpractice insurer for bad-faith actions or for punitive damages against the insurer, as well as related taxable costs and attorney's fees, may not be included in an insurer's base rate; providing for review of rate filings by the Office of Insurance Regulation for excessive, inadequate, or unfairly discriminatory rates; requiring insurers to apply a discount based on the health care provider's loss experience; amending s. 627.0645, F.S.; excepting medical malpractice insurers from certain annual filings; amending s. 627.4147, F.S.; revising certain notification criteria for medical and osteopathic physicians; requiring prior notification of a rate increase; authorizing the purchase of insurance by certain health care providers; amending s. 627.912, F.S.; increasing the limit on a fine; requiring the Office of Insurance Regulation to adopt by rule requirements for reporting financial information; creating s. 627.41491, F.S.; requiring the Office of Insurance Regulation to require health care providers to annually publish certain rate comparison information; creating s. 627.41493, F.S.; requiring a medical malpractice insurance rate rollback; providing for subsequent increases under certain circumstances; requiring approval for use of certain medical malpractice insurance rates; creating s. 627.41492, F.S.; requiring the Office of Insurance Regulation to publish an annual medical malpractice report; creating s. 627.41495, F.S.; providing for consumer participation in review of medical malpractice rate changes; providing for public inspection; providing for adoption of rules by the Office of Insurance Regulation; providing for a mechanism to make effective the Florida Medical Malpractice Insurance Fund in the event the roll back of medical malpractice insurance rates is not completed; creating the Florida Medical Malpractice Insurance Fund; providing purpose; providing governance by a board of governors; providing for the fund to issue medical malpractice policies to any physician regardless of specialty; providing for regulation by the Office of Insurance Regulation of the Financial Services Commission; providing applicability; providing for initial funding; providing for tax-exempt status; providing for initial capitalization; providing for termination of the fund; providing that practitioners licensed under ch. 458 or ch. 459, F.S., must, as a licensure requirement, obtain and maintain professional liability coverage; requiring the Office of Insurance Regulation to order insurers to make rate filings effective January 1, 2004, which reflect the impact of the act; providing criteria for such rate filing; amending s. 456.049, F.S.; requiring the Department of Health to report certain liability claims to the Office of Insurance Regulation; amending s. 627.357, F.S.; providing guidelines for the formation and regulation of certain self-insurance funds; creating s. 627.9121, F.S.; requiring certain claims, judgments, or settlements to be reported to the Office of Insurance Regulation; providing penalties; requiring the Office of Program Policy Analysis and Government Accountability to study and report to the Legislature on requirements for coverage by the Florida Birth-Related Neurological Injury Compensation Association; authorizing health care facilities to apply to the Department of Financial Services for discounts in insurance rates after reducing adverse incidents and serious events at the facility; requiring health care facilities to apply to the Department of Financial Services for the certification of programs recommended by the Florida Center for Excellence in Health Care; requiring the Department of Financial Services to develop criteria for the certification; requiring insurers to file rates with the Department of Financial Services for review under specified circumstances; creating s. 627.0662, F.S.; providing definitions; requiring each medical liability insurer to report certain information to the Office of Insurance Regulation; providing for determination of whether excessive profit has been realized; requiring return of excessive amounts; amending s. 766.106, F.S.; providing for application of common law principles of good faith to an insurance company's bad-faith actions arising out of medical malpractice claims; providing that an insurer shall not be held to have acted in bad faith for certain activities during the presuit period and for 120 days after that period; providing legislative intent; providing for severability; providing a contingent effective date.

—was read the second time by title.

Senator Webster moved the following amendment which was adopted:

Amendment 1 (484806)—On page 17, lines 27-29, delete those lines and insert: *Regulation finds that the rate reduced pursuant to subsection (1) would result in an inadequate rate. Any such increase must be approved by the*

MOTION

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

Senator Campbell moved the following amendment which was adopted:

Amendment 2 (351608)—On page 32, lines 17 and 18, delete those lines and insert:

Section 23. Except as otherwise provided herein, this act shall take effect July 1, 2003, and the amendments to section 766.106, Florida Statutes, in this act shall apply to any action arising from a medical malpractice claim initiated by a notice of intent to litigate received by a potential defendant in a medical malpractice case on or after that date.

MOTION

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

Senator Webster moved the following amendment:

Amendment 3 (100750)—On page 18, line 8, after “insurers” insert: *representing 50 percent or greater of the statewide market share for medical malpractice insurance, as measured by net direct written premium in the state for 2002,*

Senator Webster moved the following substitute amendment which was adopted:

Amendment 4 (631658)—On page 18, lines 5-8, delete those lines and insert: *of the medical malpractice insurers with a combined market share of 50 percent or greater, as measured by net written premium in the state for medical malpractice for the most recent calendar year, have been reduced to the level in effect January 1, 2002, but have not remained at that level for the previous year beginning July 1, 2003, or that such medical malpractice insurers have proposed increases from the*

Pursuant to Rule 4.19, **CS for CS for CS for SB 560 and CS for SB 2080** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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

CS for CS for CS for SB 562 and SB 1912—A bill to be entitled An act relating to health care; amending s. 120.80, F.S.; allowing a board within the Department of Health to appoint an administrative law judge or hearing officer who has certain expertise to hear a case involving standard of care; creating s. 381.0409, F.S.; providing that creation of the Florida Center for Excellence in Health Care is contingent on the enactment of a public-records exemption; creating the Florida Center for Excellence in Health Care; providing goals and duties of the center; providing definitions; providing limitations on the center's liability for any lawful actions taken; requiring the center to issue patient safety recommendations; requiring the development of a statewide electronic infrastructure to improve patient care and the delivery and quality of health care services; providing requirements for development of a core electronic medical record; authorizing access to the electronic medical records and other data maintained by the center; providing for the use of computerized physician medication ordering systems; providing for the establishment of a simulation center for high technology intervention surgery and intensive care; providing for the immunity of specified information in adverse incident reports from discovery or admissibility in civil or administrative actions; providing limitations on liability of specified health care practitioners and facilities under specified conditions; providing requirements for the appointment of a board of directors for the center; establishing a mechanism for financing the center through the assessment of specified fees; requiring the Florida Center for Excellence in Health Care to develop a business and financing plan;

authorizing state agencies to contract with the center for specified projects; authorizing the use of center funds and the use of state purchasing and travel contracts for the center; requiring the center to submit an annual report and providing requirements for the annual report; providing for the center's books, records, and audits to be open to the public; requiring the center to annually furnish an audited report to the Governor and Legislature; creating s. 395.1012, F.S.; requiring facilities to adopt a patient safety plan; providing requirements for a patient safety plan; requiring facilities to appoint a patient safety officer and a patient safety committee and providing duties for the patient safety officer and committee; amending s. 395.004, F.S., relating to licensure of certain health care facilities; providing for discounted medical liability insurance based on certification of programs that reduce adverse incidents; requiring the Office of Insurance Regulation to consider certain information in reviewing discounted rates; amending s. 766.106, F.S.; providing that the claimant must also provide the Agency for Health Care Administration with a copy of a complaint alleging medical malpractice after filing a complaint; requiring the Agency for Health Care Administration to review such complaints for licensure noncompliance; creating s. 395.0056, F.S.; requiring the Agency for Health Care Administration to review complaints submitted if the defendant is a hospital; amending s. 395.0193, F.S., relating to peer review and disciplinary actions; providing for discipline of a physician for mental or physical abuse of staff; limiting liability of certain participants in certain disciplinary actions at a licensed facility; providing that a defendant's monetary liability shall not exceed \$250,000 on any action brought under this section; amending s. 395.0197, F.S., relating to internal risk management programs; deleting an exception from the risk prevention education requirement for certain health care practitioners; requiring a system for notifying patients that they are victims of an adverse incident; requiring risk managers or their designees to give notice; requiring licensed facilities to annually report certain information about health care practitioners for whom they assume liability; requiring the Agency for Health Care Administration and the Department of Health to annually publish statistics about licensed facilities that assume liability for health care practitioners; providing for disciplinary action against a person who has a duty to report an adverse incident but who fails to timely do so; providing for a fine for each day an adverse incident is not timely reported; requiring a licensed facility at which sexual abuse occurs to offer testing for sexually transmitted disease at no cost to the victim; amending s. 456.025, F.S.; eliminating certain restrictions on the setting of licensure renewal fees for health care practitioners; directing the Agency for Health Care Administration to conduct or contract for a study to determine what information to provide to the public comparing hospitals, based on inpatient quality indicators developed by the federal Agency for Healthcare Research and Quality; creating s. 395.1051, F.S.; requiring certain facilities to notify patients about adverse incidents under specified conditions; creating s. 456.0575, F.S.; requiring licensed healthcare practitioners to notify patients about adverse incidents under certain conditions; amending s. 456.026, F.S., relating to an annual report published by the Department of Health; requiring that the department publish the report to its website; requiring the department to include certain detailed information; amending s. 456.041, F.S., relating to practitioner profiles; requiring the Department of Health to compile certain specified information in a practitioner profile; deleting provisions that provide that a profile need not indicate whether a criminal history check was performed to corroborate information in the profile; authorizing the department or regulatory board to investigate any information received; requiring the department to provide a narrative explanation, in plain English, concerning final disciplinary action taken against a practitioner; requiring a hyperlink to each final order on the department's website which provides information about disciplinary actions; requiring the department to provide a hyperlink to certain comparison reports pertaining to claims experience; requiring the department to include the date that a reported disciplinary action was taken by a licensed facility and a characterization of the practitioner's conduct that resulted in the action; deleting provisions requiring the department to consult with a regulatory board before including certain information in a health care practitioner's profile; providing for a penalty for failure to comply with the timeframe for verifying and correcting a practitioner profile; requiring the department to add a statement to a practitioner profile when the profile information has not been verified by the practitioner; requiring the department to provide, in the practitioner profile, an explanation of disciplinary action taken and the reason for sanctions imposed; requiring the department to include a hyperlink to a practitioner's website when requested; providing that practitioners licensed under ch. 458 or ch. 459, F.S. shall have claim information concerning an indemnity payment greater than \$100,000 posted in the practitioner profile;

amending s. 456.042, F.S.; providing for the update of practitioner profiles; designating a timeframe within which a practitioner must submit new information to update his or her profile; amending s. 456.049, F.S., relating to practitioner reports on professional liability claims and actions; deleting a requirement that a practitioner report only if the claim or action was not covered by an insurer that is required to report; amending s. 456.051, F.S.; establishing the responsibility of the Department of Health to provide reports of professional liability actions and bankruptcies; requiring the department to include such reports in a practitioner's profile within a specified period; amending s. 458.320, F.S., relating to financial responsibility requirements for medical physicians; requiring the department to suspend the license of a medical physician who has not paid, up to the amounts required by any applicable financial responsibility provision, any outstanding judgment, arbitration award, other order, or settlement; amending s. 459.0085, F.S., relating to financial responsibility requirements for osteopathic physicians; requiring that the department suspend the license of an osteopathic physician who has not paid, up to the amounts required by any applicable financial responsibility provision, any outstanding judgment, arbitration award, other order, or settlement; providing civil immunity for certain participants in quality improvement processes; defining the terms "patient safety data" and "patient safety organization"; providing for use of patient safety data by patient safety organization; providing limitations on use of patient safety data; providing for protection of patient-identifying information; providing for determination of whether privilege applies as asserted; providing that an employer may not take retaliatory action against an employee who makes a good-faith report concerning patient safety data; requiring that a specific statement be included in each final settlement statement relating to medical malpractice actions; providing requirements for the closed claim form of the Office of Insurance Regulation; requiring the Office of Insurance Regulation to compile annual statistical reports pertaining to closed claims; requiring historical statistical summaries; specifying certain information to be included on the closed claim form; amending s. 456.039, F.S.; amending the information required to be furnished to the Department of Health for licensure purposes; amending s. 456.057, F.S.; allowing the department to obtain patient records by subpoena without the patient's written authorization, in specified circumstances; amending s. 456.063, F.S.; providing for adopting rules to implement requirements for reporting allegations of sexual misconduct; authorizing health care practitioner regulatory boards to adopt rules to establish standards of practice for prescribing drugs to patients via the Internet; amending s. 456.072, F.S.; providing for determining the amount of any costs to be assessed in a disciplinary proceeding; prescribing the standard of proof in certain disciplinary proceedings; amending s. 456.073, F.S.; authorizing the Department of Health to investigate certain paid claims made on behalf of practitioners licensed under ch. 458 or ch. 459, F.S.; amending procedures for certain disciplinary proceedings; providing a deadline for raising issues of material fact; providing a deadline relating to notice of receipt of a request for a formal hearing; amending s. 456.077, F.S.; providing a presumption related to an undisputed citation; amending s. 456.078, F.S.; revising standards for determining which violations of the applicable professional practice act are appropriate for mediation; amending s. 458.331, F.S., relating to grounds for disciplinary action of a physician; redefining the term "repeated malpractice"; revising the standards for the burden of proof in an administrative action against a physician; revising the minimum amount of a claim against a licensee which will trigger a departmental investigation; amending s. 459.015, F.S., relating to grounds for disciplinary action against an osteopathic physician; redefining the term "repeated malpractice"; revising the standards for the burden of proof in an administrative action against an osteopathic physician; amending conditions that necessitate a departmental investigation of an osteopathic physician; revising the minimum amount of a claim against a licensee which will trigger a departmental investigation; amending s. 461.013, F.S., relating to grounds for disciplinary action against a podiatric physician; redefining the term "repeated malpractice"; amending the minimum amount of a claim against such a physician which will trigger a department investigation; amending s. 466.028, F.S., relating to grounds for disciplinary action against a dentist or a dental hygienist; redefining the term "dental malpractice"; revising the minimum amount of a claim against a dentist which will trigger a departmental investigation; amending s. 627.912, F.S.; amending provisions prescribing conditions under which insurers must file certain reports with the Department of Insurance; requiring the Office of Program Policy Analysis and Government Accountability and the Office of the Auditor General to conduct an audit, as specified, and to report to the Legislature; creating ss. 1004.08, 1005.07, F.S.; requiring schools, colleges, and universities to include material on patient safety in their

curricula if the institution awards specified degrees; creating a workgroup to study the health care practitioner disciplinary process; providing for workgroup membership; providing that the workgroup deliver its report by January 1, 2004; providing for severability; providing appropriations and authorizing positions; providing a contingent effective date.

—was read the second time by title.

Senator Diaz de la Portilla offered the following amendment which was moved by Senator Peaden and adopted:

Amendment 1 (844182)(with title amendment)—On page 10, line 25 through page 11, line 18, delete those lines

And the title is amended as follows:

On page 1, lines 2-7, delete those lines and insert: An act relating to health care; creating s. 381.0409, F.S.;

Senator Saunders moved the following amendments which were adopted:

Amendment 2 (170676)—On page 14, line 22, after “release” insert: *deidentified*

Amendment 3 (693778)(with title amendment)—On page 25, line 28 through page 29, line 13, delete those lines and insert:

Section 1. Subsections (1), (3), and (8) of section 395.0197, Florida Statutes, are amended, present subsections (12) through (20) of that section are redesignated as subsections (13) through (21), respectively, and a new subsection (12) is added to that section, to read:

395.0197 Internal risk management program.—

(1) Every licensed facility shall, as a part of its administrative functions, establish an internal risk management program that includes all of the following components:

(a) The investigation and analysis of the frequency and causes of general categories and specific types of adverse incidents to patients.

(b) The development of appropriate measures to minimize the risk of adverse incidents to patients, including, but not limited to:

1. Risk management and risk prevention education and training of all nonphysician personnel as follows:

a. Such education and training of all nonphysician personnel as part of their initial orientation; and

b. At least 1 hour of such education and training annually for all personnel of the licensed facility working in clinical areas and providing patient care, ~~except those persons licensed as health care practitioners who are required to complete continuing education coursework pursuant to chapter 456 or the respective practice act.~~

2. A prohibition, except when emergency circumstances require otherwise, against a staff member of the licensed facility attending a patient in the recovery room, unless the staff member is authorized to attend the patient in the recovery room and is in the company of at least one other person. However, a licensed facility is exempt from the two-person requirement if it has:

a. Live visual observation;

b. Electronic observation; or

c. Any other reasonable measure taken to ensure patient protection and privacy.

3. A prohibition against an unlicensed person from assisting or participating in any surgical procedure unless the facility has authorized the person to do so following a competency assessment, and such assistance or participation is done under the direct and immediate supervision of a licensed physician and is not otherwise an activity that may only be performed by a licensed health care practitioner.

4. Development, implementation, and ongoing evaluation of procedures, protocols, and systems to accurately identify patients, planned

procedures, and the correct site of the planned procedure so as to minimize the performance of a surgical procedure on the wrong patient, a wrong surgical procedure, a wrong-site surgical procedure, or a surgical procedure otherwise unrelated to the patient’s diagnosis or medical condition.

(c) The analysis of patient grievances that relate to patient care and the quality of medical services.

(d) *A system for informing a patient or an individual identified pursuant to s. 765.401(1) that the patient was the subject of an adverse incident, as defined in subsection (5). Such notice shall be given by the risk manager, or his or her designee, as soon as practicable to allow the patient an opportunity to minimize damage or injury.*

(e)(~~d~~) The development and implementation of an incident reporting system based upon the affirmative duty of all health care providers and all agents and employees of the licensed health care facility to report adverse incidents to the risk manager, or to his or her designee, within 3 business days after their occurrence.

(3) In addition to the programs mandated by this section, other innovative approaches intended to reduce the frequency and severity of medical malpractice and patient injury claims shall be encouraged and their implementation and operation facilitated. Such additional approaches may include extending internal risk management programs to health care providers’ offices and the assuming of provider liability by a licensed health care facility for acts or omissions occurring within the licensed facility. *Each licensed facility shall annually report to the agency and the Department of Health the name and judgments entered against each health care practitioner for which it assumes liability. The agency and Department of Health, in their respective annual reports, shall include statistics that report the number of licensed facilities that assume such liability and the number of health care practitioners, by profession, for whom they assume liability.*

And the title is amended as follows:

On page 4, lines 4-8, delete those lines and insert: requiring a

Amendment 4 (864596)(with title amendment)—On page 26, lines 20-23, delete those lines and insert: clinical areas and providing patient care, except those persons licensed as health care practitioners who are required to complete continuing education coursework pursuant to chapter 456 or the respective practice act.

And the title is amended as follows:

On page 3, lines 21-24, delete those lines and insert: to internal risk management programs; requiring a system for notifying

Senator Peaden moved the following amendment which was adopted:

Amendment 5 (830184)—On page 55, lines 22-31, delete those lines and insert:

(5) A formal hearing before an administrative law judge from the Division of Administrative Hearings shall be held pursuant to chapter 120 if there are any disputed issues of material fact. The administrative law judge shall issue a recommended order pursuant to chapter 120.

Senator Campbell moved the following amendment which was adopted:

Amendment 6 (882704)(with title amendment)—On page 66, lines 28 and 29, delete those lines and insert:

Section 43. This act shall take effect July 1, 2003.

And the title is amended as follows:

On page 10, delete line 21 and insert: providing an effective date.

Pursuant to Rule 4.19, **CS for CS for CS for SB 562 and SB 1912** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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

CS for CS for CS for SB 564, SB 2120 and SB 2620—A bill to be entitled An act relating to medical malpractice; providing legislative findings; amending s. 46.015, F.S.; revising requirements for set offs against damages in medical malpractice actions if there is a written release or covenant not to sue; amending s. 456.057, F.S.; authorizing the release of medical information to defendant health care practitioners in medical malpractice actions under specified circumstances; amending s. 766.102, F.S.; revising requirements for health care providers providing expert testimony in medical negligence actions; prohibiting contingency fees for an expert witness; amending s. 766.106, F.S.; revising requirements for presuit notice and insurer or self-insurer response to a claim; permitting written questions during informal discovery; requiring a claimant to execute a medical release to authorize defendants in medical negligence actions to take unsworn statements from a claimant's treating physicians; providing for informal discovery without notice; imposing limits on such statements; amending s. 766.108, F.S.; providing for mandatory mediation; amending s. 766.202, F.S.; redefining the terms "economic damages," "medical expert," "noneconomic damages," amending s. 766.206, F.S.; providing for dismissal of a claim under certain circumstances; requiring the court to make certain reports concerning a medical expert who fails to meet qualifications; amending s. 766.207, F.S.; providing for the applicability of the Wrongful Death Act and general law to arbitration awards; amending s. 768.041, F.S.; revising requirements for set offs against damages in medical malpractice actions if there is a written release or covenant not to sue; providing legislative intent and findings with respect to the provision of emergency medical services and care by care providers; amending s. 768.13, F.S.; extending immunity from liability to certain health care practitioners in response to an emergency in a hospital; amending s. 768.28, F.S.; extending sovereign immunity to specified health care providers as agents of the state when providing emergency services pursuant to state and federal imposed obligations; amending s. 768.77, F.S.; prescribing a method for itemization of specific categories of damages awarded in medical malpractice actions; amending s. 768.81, F.S.; requiring the trier of fact to apportion total fault solely among the claimant and joint tortfeasors as parties to an action; providing for severability; providing effective dates.

—was read the second time by title.

Senator Saunders moved the following amendment which was adopted:

Amendment 1 (943712)—On page 12, line 25, delete "subsection (13) is" and insert: subsections (13) and (14) are

Senator Campbell moved the following amendment:

Amendment 2 (103564)—On page 18, lines 12-14, delete those lines and insert:

Section 8. Section 766.206, Florida Statutes, is amended to read:

MOTION

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

Senator Campbell moved the following substitute amendment which was adopted:

Amendment 3 (381574)—On page 18, delete line 12 and insert:

Section 8. Effective July 1, 2003 and

Senator Peaden moved the following amendment which was adopted:

Amendment 4 (395672)(with title amendment)—On page 17, line 16 through page 18, line 11, delete those lines and insert:

Section 7. Subsections (3), (5), (7), and (8) of section 766.202, Florida Statutes, are amended to read:

766.202 Definitions; ss. 766.201-766.212.—As used in ss. 766.201-766.212, the term:

(3) "Economic damages" means financial losses ~~that which~~ would not have occurred but for the injury giving rise to the cause of action, includ-

ing, but not limited to, past and future medical expenses and 80 percent of wage loss and loss of earning capacity, *to the extent the claimant is entitled to recover such damages under general law, including the Wrongful Death Act.*

(5) "Medical expert" means a person duly and regularly engaged in the practice of his or her profession who holds a health care professional degree from a university or college and *who meets the requirements of an expert witness as set forth in s. 766.102* ~~has had special professional training and experience or one possessed of special health care knowledge or skill about the subject upon which he or she is called to testify or provide an opinion.~~

(7) "Noneconomic damages" means nonfinancial losses which would not have occurred but for the injury giving rise to the cause of action, including pain and suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of capacity for enjoyment of life, and other nonfinancial losses, *to the extent the claimant is entitled to recover such damages under general law, including the Wrongful Death Act.*

(8) "Periodic payment" means provision for the structuring of future economic damages payments, in whole or in part, over a period of time, as follows:

(a) A specific finding of the dollar amount of periodic payments which will compensate for these future damages after offset for collateral sources shall be made. The total dollar amount of the periodic payments shall equal the dollar amount of all such future damages before any reduction to present value.

(b) The defendant shall be required to post a bond or security or otherwise to assure full payment of these damages awarded. A bond is not adequate unless it is written by a company authorized to do business in this state and is rated A+ by Best's. If the defendant is unable to adequately assure full payment of the damages, all damages, reduced to present value, shall be paid to the claimant in a lump sum. No bond may be canceled or be subject to cancellation unless at least 60 days' advance written notice is filed with the court and the claimant. Upon termination of periodic payments, the security, or so much as remains, shall be returned to the defendant.

(c) The provision for payment of future damages by periodic payments shall specify the recipient or recipients of the payments, the dollar amounts of the payments, the interval between payments, and the number of payments or the period of time over which payments shall be made.

(d) *Any portion of the periodic payment which is attributable to medical expenses that have not yet been incurred shall terminate upon the death of the claimant. Any outstanding medical expenses incurred prior to the death of the claimant shall be paid from that portion of the periodic payment attributable to medical expenses.*

And the title is amended as follows:

On page 1, line 29, after "noneconomic damages," insert: and "periodic payment";

Senator Saunders moved the following amendment which was adopted:

Amendment 5 (645400)—On page 26, line 20, delete "paragraphs (b) and (c)" and insert: *paragraph (b)*

MOTION

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

Senator Campbell moved the following amendment which was adopted:

Amendment 6 (860758)(with title amendment)—On page 30, lines 27 and 28, delete those lines and insert:

Section 17. Except as otherwise provided herein, this act shall take effect July 1, 2003, and shall apply to causes of action accruing on or after that date.

And the title is amended as follows:

On page 2, lines 27 and 28, delete those lines and insert: providing for severability; providing an effective date.

SENATOR WEBSTER PRESIDING

MOTION

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

Senator Smith moved the following amendment:

Amendment 7 (095578)(with title amendment)—On page 30, between lines 26 and 27, insert:

Section 17. Subsections (3), (4), (5), (6), (7), (8), and (9) are added to section 766.110, Florida Statutes, to read:

766.110 Liability of health care facilities.—

(3) *Members of the medical staff of a hospital licensed under chapter 395 and any professional group comprised of such persons shall be immune from liability for all damages in excess of \$100,000 per incident arising from medical injuries to patients resulting from negligent acts or omissions of such medical staff members in the performance of emergency medical services as defined in s. 768.13(2), and no member of the medical staff of a hospital and no professional group comprised of such persons shall be liable to pay any damages in excess of \$100,000 to any person or persons for any single incident of medical negligence that causes injuries to a patient or patients in the performance of emergency medical services.*

(4) *Subject to the limitations set forth in subsection (5), every hospital licensed under chapter 395 shall assume liability for all damages in excess of \$100,000 per incident arising from medical injuries to patients resulting from negligent acts or omissions on the part of members of its medical staff in the performance of emergency medical services as defined by s. 768.31(2).*

(5) *No person or persons may recover damages from a hospital licensed under chapter 395, or its insurer, in excess of \$2 million per incident arising from medical injuries to a patient or patients caused by negligent acts or omissions on the part of the hospital or members of the hospital's medical staff in the performance of emergency medical services as defined in s. 768.13(2), and no hospital or hospital insurer shall be liable to pay any claim or judgment in an amount in excess of \$2.5 million for a single incident of medical negligence on the part of the hospital or members of the hospital's medical staff that causes injuries to a patient or patients in the performance of emergency medical services.*

(6) *Because of the overriding public necessity for hospitals to provide trauma care and emergency medical services to the public at large, the state assumes responsibility for payment of reasonable compensation to persons who are barred from recovery of certain damages due to subsection (5). Application for payment of such damages shall commence with the filing of a claims bill. The Legislature shall process a claims bill for compensation under this subsection in the same manner as a claims bill that seeks compensation for damages barred from recovery under the doctrine of sovereign immunity.*

(7) *No attorney may charge, demand, receive, or collect, for services rendered, fees in excess of 25 percent of any amount awarded by the Legislature pursuant to subsection (6).*

(8) *Nothing in this section constitutes a waiver of sovereign immunity under s. 768.28, nor shall this section impair the immunities currently recognized for public hospitals or teaching hospitals as defined in s. 408.07.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 27, following the semicolon (;) insert: amending s. 766.110, F.S.; limiting liability of health care providers providing emergency care services in hospitals; providing for hospitals and the state to assume a certain part of liability for negligence by such providers; providing a limit on attorney's fees;

MOTION

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

Senator Smith moved the following amendments to **Amendment 7** which were adopted:

Amendment 7A (020038)—On page 2, line 9, delete “s. 768.31(2)” and insert: s. 768.13(2)

Amendment 7B (480160)—On page 2, line 9, after the period (.) insert: *A health care provider under s. 768.28(9)(b)2.b. does not include a licensed health care practitioner who is providing emergency services to a person with whom the practitioner has an established provider relationship outside of the emergency room setting.*

THE PRESIDENT PRESIDING

Amendment 7C (735082)—On page 2, line 12, delete “\$2” and insert: \$2.5

Amendment 7 as amended was adopted.

Senator Smith moved the following amendment:

Amendment 8 (034944)(with title amendment)—On page 24, line 24 through page 27, line 15, delete those lines and insert:

Section 12. Subsection (2) of section 768.13, Florida Statutes, is amended to read:

768.13 Good Samaritan Act; immunity from civil liability.—

(2)(a) Any person, including those licensed to practice medicine, who gratuitously and in good faith renders emergency care or treatment either in direct response to emergency situations related to and arising out of a public health emergency declared pursuant to s. 381.00315, a state of emergency which has been declared pursuant to s. 252.36 or at the scene of an emergency outside of a hospital, doctor's office, or other place having proper medical equipment, without objection of the injured victim or victims thereof, shall not be held liable for any civil damages as a result of such care or treatment or as a result of any act or failure to act in providing or arranging further medical treatment where the person acts as an ordinary reasonably prudent person would have acted under the same or similar circumstances.

(b)1. Any health care provider, including a hospital licensed under chapter 395, providing emergency services pursuant to obligations imposed by 42 U.S.C. s. 1395dd, s. 395.401, or s. 401.45 ~~any employee of such hospital working in a clinical area within the facility and providing patient care, and any person licensed to practice medicine who in good faith renders medical care or treatment necessitated by a sudden, unexpected situation or occurrence resulting in a serious medical condition demanding immediate medical attention, for which the patient enters the hospital through its emergency room or trauma center, or necessitated by a public health emergency declared pursuant to s. 381.00315~~ shall not be held liable for any civil damages as a result of such medical care or treatment unless such damages result from providing, or failing to provide, medical care or treatment under circumstances demonstrating a reckless disregard for the consequences so as to affect the life or health of another.

2. The immunity provided by this paragraph ~~applies does not apply~~ to damages as a result of any act or omission of providing medical care or treatment, including diagnosis:

a. Which occurs *prior to the time* ~~after~~ the patient is stabilized and is capable of receiving medical treatment as a nonemergency patient, unless surgery is required as a result of the emergency within a reasonable time after the patient is stabilized, in which case the immunity provided by this paragraph applies to any act or omission of providing medical care or treatment which occurs prior to the stabilization of the patient following the surgery; ~~and or~~

b. ~~Related~~ ~~Unrelated~~ to the original medical emergency.

3. For purposes of this paragraph, “reckless disregard” as it applies to a given health care provider rendering emergency medical services

shall be such conduct ~~that which~~ a health care provider knew or should have known, at the time such services were rendered, ~~created an unreasonable risk of injury so as to affect the life or health of another, and such risk was substantially greater than that which is necessary to make the conduct negligent. would be likely to result in injury so as to affect the life or health of another, taking into account the following to the extent they may be present;~~

- ~~a. The extent or serious nature of the circumstances prevailing.~~
- ~~b. The lack of time or ability to obtain appropriate consultation.~~
- ~~c. The lack of a prior patient-physician relationship.~~
- ~~d. The inability to obtain an appropriate medical history of the patient.~~
- ~~e. The time constraints imposed by coexisting emergencies.~~

4. Every emergency care facility granted immunity under this paragraph shall accept and treat all emergency care patients within the operational capacity of such facility without regard to ability to pay, including patients transferred from another emergency care facility or other health care provider pursuant to Pub. L. No. 99-272, s. 9121. The failure of an emergency care facility to comply with this subparagraph constitutes grounds for the department to initiate disciplinary action against the facility pursuant to chapter 395.

~~(c) Any person who is licensed to practice medicine, while acting as a staff member or with professional clinical privileges at a nonprofit medical facility, other than a hospital licensed under chapter 395, or while performing health screening services, shall not be held liable for any civil damages as a result of care or treatment provided gratuitously in such capacity as a result of any act or failure to act in such capacity in providing or arranging further medical treatment, if such person acts as a reasonably prudent person licensed to practice medicine would have acted under the same or similar circumstances.~~

And the title is amended as follows:

On page 2, lines 13-15, delete those lines and insert: F.S.; revising guidelines for immunity from liability under the "Good Samaritan Act"; amending s.

MOTION

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

Senator Saunders moved the following amendment to **Amendment 8** which was adopted:

Amendment 8A (660836)—On page 4, between lines 2 and 3, insert:

(c)1. Any health care practitioner as defined in s. 456.001(4) who is in a hospital attending to a patient of his or her practice or for business or personal reasons unrelated to direct patient care, and who voluntarily responds to provide care or treatment to a patient with whom at that time the practitioner does not have a then-existing health care patient-physician relationship, and when such care or treatment is necessitated by a sudden or unexpected situation or by an occurrence that demands immediate medical attention, shall not be held liable for any civil damages as a result of any act or omission relative to that care or treatment, unless that care or treatment is proven to amount to conduct that is willful and wanton and would likely result in injury so as to affect the life or health of another.

2. The immunity provided by this paragraph does not apply to damages as a result of any act or omission of providing medical care or treatment unrelated to the original situation that demanded immediate medical attention.

3. For purposes of this paragraph, the Legislature's intent is to encourage health care practitioners to provide necessary emergency care to all persons without fear of litigation as described in this paragraph.

MOTION

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

Senator Smith moved the following amendment to **Amendment 8** which was adopted:

Amendment 8B (905276)—On page 2, line 21, after the period (.) insert: *A health care provider under s. 768.28(9)(b)2.b. does not include a licensed health care practitioner who is providing emergency services to a person with whom the practitioner has an established provider relationship outside of the emergency room setting.*

Amendment 8 as amended was adopted.

Senator Saunders moved the following amendment which was adopted:

Amendment 9 (641984)—On page 26, lines 7 and 8, delete "*paragraphs (b) and (c)*" and insert: *paragraph (b)*

Pursuant to Rule 4.19, **CS for CS for CS for SB 564, SB 2120 and SB 2620** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

ADOPTION OF RESOLUTIONS

On motion by Senator Wasserman Schultz—

By Senator Wasserman Schultz—

SR 1390—A resolution recognizing Familial Dysautonomia as a serious genetic disease affecting certain residents of this state and recognizing June 10, 2003, as Familial Dysautonomia Awareness Day in the State of Florida.

WHEREAS, Familial Dysautonomia is one group of genetically distinct disorders known as Hereditary Sensory and Autonomic Neuropathies, characterized by widespread sensory and autonomic dysfunction, and

WHEREAS, Familial Dysautonomia has been found only in persons of Ashkenazi Jewish extraction, is present from birth, and results in a strikingly wide range of disease, dysfunction, and suffering for afflicted children, including lung problems, blood pressure fluctuations, poor growth, spinal curvature, learning disabilities, and shortened life span, and

WHEREAS, genetic research has shown that Familial Dysautonomia is caused by mutations in a gene that is recessed in one or both parents, and that the presence of the mutated gene in either parent can be detected through genetic screening and testing, and

WHEREAS, as of March 2001, genetic screening and testing for Familial Dysautonomia became available to the general population through laboratories established by the Dysautonomia Foundation at New York University Medical Center and at Mt. Sinai Hospital in New York City, and

WHEREAS, increased awareness of Familial Dysautonomia will increase the likelihood that persons of Ashkenazi Jewish extraction will timely avail themselves of genetic screening, testing, and counseling, and that affected infants will receive timely and effective diagnosis and treatment, NOW, THEREFORE,

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

That the Florida Senate recognizes June 10, 2003, as "Familial Dysautonomia Awareness Day" in the State of Florida.

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

—was introduced out of order and read by title. On motion by Senator Wasserman Schultz, **SR 1390** was read the second time in full and adopted.

SPECIAL ORDER CALENDAR, continued

On motion by Senator Saunders—

CS for CS for SB 566—A bill to be entitled An act relating to public records and meetings; creating s. 381.04091, F.S.; providing that patient records obtained by and other documents identifying a patient by name and contained in patient safety data held by the Florida Center for Excellence in Health Care are exempt from public-record requirements; providing that meetings held by the center at which such information is discussed are exempt from public-meeting requirements; authorizing the release of information under specified circumstances, including the release to a health care research entity or licensed health insurer; providing for future legislative review and repeal under the Open Government Sunset Review Act of 1995; providing a statement of public necessity; providing a contingent effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 566** was placed on the calendar of Bills on Third Reading.

On motion by Senator Saunders—

CS for SB 274—A bill to be entitled An act relating to public records; amending s. 395.0198, F.S.; which provides an exemption from public-records requirements for the information contained in the notification of an adverse incident provided to the Agency for Health Care Administration by a facility licensed under ch. 395, F.S.; specifying information covered under the exemption; authorizing the use of the information as part of certain disciplinary proceedings; reenacting the exemption and removing the repeal thereof scheduled under the Open Government Sunset Review Act of 1995; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 274** was placed on the calendar of Bills on Third Reading.

On motion by Senator Peadar—

CS for SB 1942—A bill to be entitled An act relating to public records; creating ss. 458.353 and 459.028, F.S.; providing exemptions from public-records requirements for information contained in reports made by physicians of adverse incidents occurring in office practice settings; providing for future review and repeal; providing findings of public necessity; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1942** was placed on the calendar of Bills on Third Reading.

On motion by Senator Miller—

SJR 612—A joint resolution proposing the amendment of Section 4 of Article IX of the State Constitution, relating to education, to limit the term of office for a member of a district school board.

—was read the second time by title.

MOTION

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

Senators Jones and Klein offered the following amendment which was moved by Senator Jones and adopted:

Amendment 1 (853858)(with title amendment)—On page 1, lines 10-14, delete those lines and insert:

That the following amendments of Section 4 of Article VI and Section 4 of Article IX of the State Constitution are agreed to and shall be submitted to the electors of this state for approval or rejection at the next

general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE VI
SUFFRAGE AND ELECTIONS

SECTION 4. Disqualifications.—

(a) No person convicted of a felony, or adjudicated in this or any other state to be mentally incompetent, shall be qualified to vote or hold office until restoration of civil rights or removal of disability.

(b) No person may appear on the ballot for re-election to any of the following offices:

~~(1) Florida representative,~~

~~(2) Florida senator,~~

~~(1)(3) Florida Lieutenant governor,~~

~~(2)(4) any office of the Florida cabinet,~~

~~(3)(5) U.S. Representative from Florida, or~~

~~(4)(6) U.S. Senator from Florida~~

if, by the end of the current term of office, the person will have served (or, but for resignation, would have served) in that office for eight consecutive years.

(c) No person may appear on the ballot for re-election to any of the following offices:

(1) Florida representative, or

(2) Florida senator

if, by the end of the current term of office, the person will have served (or, but for resignation, would have served) in that office for twelve consecutive years. Any person serving in any such office on the effective date of this subsection may not serve more than twelve consecutive years in that office.

And the title is amended as follows:

On page 1, lines 3-6, delete those lines and insert: Section 4 of Article VI and Section 4 of Article IX of the State Constitution to provide 12-year limits on specified elective offices.

Senators Jones and Klein offered the following amendment which was moved by Senator Jones:

Amendment 2 (395550)—On page 2, lines 13-19, delete those lines and insert:

ARTICLE VI, SECTION 4; ARTICLE IX, SECTION 4

LIMITATION ON TERMS OF OFFICE; SCHOOL BOARD MEMBERS, STATE LEGISLATORS.—Proposing an amendment to the State Constitution to provide that a person may not serve more than 12 consecutive years, beginning with the election following the election at which the amendment is ratified, as a member of a district school board and to further provide that the maximum allowable term of office for members of the State Legislature shall be 12 years.

Senators Jones and Klein offered the following substitute amendment which was moved by Senator Jones and adopted:

Amendment 3 (881816)—On page 2, lines 13-19, delete those lines and insert:

ARTICLE VI, SECTION 4; ARTICLE IX, SECTION 4

LIMITATION ON TERMS OF OFFICE; SCHOOL BOARD MEMBERS, STATE LEGISLATORS.—Proposing an amendment to the State Constitution to provide that a person may not serve more than 12 consecutive years, beginning with the election following the election at which the amendment is ratified, as a member of a district school board and to further provide that the maximum allowable term of office for members of the State Legislature shall be increased from 8 years to 12 years.

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

MOTION

On motion by Senator Lee, by two-thirds vote **SB 2322** was withdrawn from the Committee on Appropriations and by two-thirds vote was placed on the Special Order Calendar.

CS for SB 2322—A bill to be entitled An act relating to assistance in obtaining prescription drugs; creating s. 430.83, F.S.; providing a popular name; providing definitions; providing legislative findings and intent; creating the Sunshine for Seniors Program to assist low-income seniors with obtaining prescription drugs from manufacturers' pharmaceutical assistance programs; providing implementation and oversight duties of the Department of Elderly Affairs; providing for community partnerships; providing for contracts; requiring annual evaluation reports on the program; specifying that the program is not an entitlement; providing an appropriation and authorizing a position; providing an effective date.

—was read the second time by title by two-thirds vote.

MOTION

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

Senators Peaden, Dawson and Margolis offered the following amendment which was moved by Senator Peaden and adopted:

Amendment 1 (295034)(with title amendment)—On page 4, lines 22-25, delete those lines and insert: *and one position is authorized, to implement section 1 of this act during the 2003-2004 fiscal year.*

Section 3. Subsection (2) of section 409.904, Florida Statutes, is amended to read:

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

(2) A caretaker relative or parent, a pregnant woman, a child under age 19 who would otherwise qualify for Florida Kidcare Medicaid, a child up to age 21 who would otherwise qualify under s. 409.903(1), a person age 65 or over, or a blind or disabled person, who would otherwise be eligible for Florida Medicaid, except that the income or assets of such family or person exceed established limitations. For a family or person in one of these coverage groups, medical expenses are deductible from income in accordance with federal requirements in order to make a determination of eligibility. Expenses used to meet spend-down liability are not reimbursable by Medicaid. Effective July May 1, 2003, when determining the eligibility of a pregnant woman, a child, or an aged, blind, or disabled individual, \$270 shall be deducted from the countable income of the filing unit. When determining the eligibility of the parent or caretaker relative as defined by Title XIX of the Social Security Act, the additional income disregard of \$270 does not apply. A family or person eligible under the coverage known as the "medically needy," is eligible to receive the same services as other Medicaid recipients, with the exception of services in skilled nursing facilities and intermediate care facilities for the developmentally disabled.

Section 4. *The non-recurring sums of \$8,265,777 from the General Revenue Fund, \$2,505,224 from the Grants and Donations Trust Fund, and \$11,727,287 from the Medical Care Trust Fund are appropriated to the Agency for Health Care Administration to implement section 3 of this act during the 2002-2003 fiscal year.*

Section 5. This act shall take effect upon becoming a law, but if it becomes a law after May 1, 2003, sections 3 and 4 of this act shall operate retroactively to that date.

And the title is amended as follows:

On page 1, delete line 17 and insert: position; amending s. 409.904, F.S.; postponing the effective date of changes to standards for eligibility for certain optional medical assistance, including coverage under the medically needy program; providing appropriations; providing for retroactive application; providing effective dates.

On motions by Senator Peaden, by two-thirds vote **CS for SB 2322** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

CO-SPONSORS

All Senators voting yea, not previously shown as co-sponsors, were recorded as co-sponsors of **SB 2322**.

MOTION

On motion by Senator Jones, the Senate recalled from Engrossing—

CS for SB 956—A bill to be entitled An act relating to liability under the drycleaning solvent cleanup program; amending s. 376.301, F.S.; defining the term "nearby real property owner" with respect to protection and restoration of lands and surface and ground waters; amending s. 376.3078, F.S.; exempting certain property owners from liability for damages arising from contamination by drycleaning solvents in certain circumstances; providing for retroactive application; amending s. 376.313, F.S.; revising provisions that provide nonexclusiveness of remedies and individual causes of action; providing an effective date.

—for further consideration.

RECONSIDERATION OF AMENDMENTS

On motion by Senator Jones, the Senate reconsidered the votes by which **Amendment 1 (151890)** and **Amendment 2 (914386)** were adopted. **Amendment 1** and **Amendment 2** were withdrawn.

Pursuant to Rule 4.19, **CS for SB 956** was placed on the calendar of Bills on Third Reading.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Bennett, by two-thirds vote **SB 2360** and **SB 2408** were withdrawn from the committees of reference and further consideration.

On motion by Senator Aronberg, by two-thirds vote **SB 2240**, **SB 2514** and **SB 2642** were withdrawn from the committees of reference and further consideration.

On motion by Senator Lee, by two-thirds vote **SB 228**, **CS for SB 1044**, **CS for CS for SB 1450**, **SB 330**, **CS for SB 1126**, **SB 1808**, **CS for SB 1894** and **CS for SB 1960** were withdrawn from the Committees on Appropriations Subcommittee on General Government; and Appropriations; **SB 252**, **SB 254**, **SB 256**, **SB 1066**, **CS for CS for SB 1286**, **SB 1446**, **SB 1500**, **CS for CS for SB 1138** and **CS for SB 1664** were withdrawn from the Committee on Rules and Calendar; **CS for SB 336**

was withdrawn from the Committees on Judiciary; Appropriations Subcommittee on Transportation and Economic Development; and Appropriations; **CS for SB 438, CS for SB 1410, SB 1638, CS for CS for SB 1934, CS for SB 2132, CS for SB 2458 and SB 736** were withdrawn from the Committee on Judiciary; **CS for SB 1248** was withdrawn from the Committees on Judiciary; and Governmental Oversight and Productivity; **CS for SB 1522** was withdrawn from the Committees on Appropriations Subcommittee on Education; and Appropriations; **CS for CS for SB 1580 and CS for SB 1734** were withdrawn from the Committees on Appropriations Subcommittee on Criminal Justice; and Appropriations; **CS for CS for SB 1626** was withdrawn from the Committee on Regulated Industries; **CS for SB 1784** was withdrawn from the Committee on Children and Families; **SB 1812, CS for SB 2110, CS for SB 2358 and SB 2584** were withdrawn from the Committee on Comprehensive Planning; **CS for SB 1902** was withdrawn from the Committees on Criminal Justice; and Judiciary; **SB 1908 and SB 2802** were withdrawn from the Committee on Education; **CS for SB 2030, SB 2488 and CS for SB 2560** were withdrawn from the Committee on Governmental Oversight and Productivity; **CS for SB 2054** was withdrawn from the Committees on Banking and Insurance; and Governmental Oversight and Productivity; **SB 2406** was withdrawn from the Committees on Comprehensive Planning; and Governmental Oversight and Productivity; **CS for SB 2568** was withdrawn from the Committees on Judiciary; and Criminal Justice; **SB 150, SJR 240, CS for CS for SB 1020, CS for SB 1442, CS for CS for SB 1448 and CS for SB 1822** were withdrawn from the Committee on Appropriations; **CS for SB 476** was withdrawn from the Committee on Appropriations Subcommittee on Health and Human Services; **CS for SB 666, SB 1840 and CS for SB 1954** were withdrawn from the Committees on Appropriations Subcommittee on Transportation and Economic Development; and Appropriations; **SB 1440** was withdrawn from the Committees on Judiciary; Governmental Oversight and Productivity; and Rules and Calendar; **CS for CS for SB 1924** was withdrawn from the Committee on Appropriations Subcommittee on General Government; **CS for SB 2456** was withdrawn from the Committees on Appropriations Subcommittee on Health and Human Services; and Appropriations; and **SB 2700** was withdrawn from the Committee on Military and Veterans' Affairs, Base Protection, and Spaceports.

On motion by Senator Pruitt, by two-thirds vote **CS for CS for SB 1492, SB 222, CS for SB 684, CS for CS for SB 1300, CS for CS for SB 1312, CS for CS for CS for SB 716, SB 1260, CS for SB 1690, CS for CS for SB 2006, SB 2136, CS for SB 2296, CS for CS for SB 1252, CS for CS for SB 1318, CS for CS for SB 1454, CS for CS for SB 2312, CS for CS for SB 2390, CS for SB 726, SB 158, SB 278, CS for SB 1588, CS for SB 1910, CS for SB 2046 and CS for CS for SB 2172** were withdrawn from the Committee on Appropriations.

MOTIONS

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

On motion by Senator Lee, a deadline of 6:00 p.m. this day was set for filing amendments to Bills on Third Reading to be considered Thursday, April 24.

On motion by Senator Lee, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the Special Order Calendar for Thursday, April 24.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Lee, the rules were waived and the Special Order Subcommittee of the Committee on Rules and Calendar was granted permission to meet April 24 from 9:45 a.m. until completion in lieu of 4:20 p.m. this day.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Wednesday, April 23, 2003: **CS for CS for CS for SB 560 and CS for SB 2080, CS for CS for CS for SB 562 and SB 1912, CS for CS for CS for SB 564, SB 2120 and SB 2620, CS for CS for SB 566, CS for SB 274, CS for SB 1942, CS for SB 2016, CS for SB 480, CS for SB 956, CS for SB 1896, CS for SB 2624,**

SB 1860, CS for SB 1644, CS for SB 2150, CS for SB 1218, CS for SB 2708, SB 1222, CS for CS for SB 1856, CS for SB 2278, CS for SB 2042, CS for SB 1232, CS for SB 2338, CS for SB 2404, CS for SB 1566, CS for SB 1772, CS for SB 1216, CS for SB 1036, CS for CS for SB 664, SB 590, SB 2356, CS for SB 218, CS for SB 2192, SB 2256, CS for CS for SB 428, CS for CS for CS for SB 592, CS for SB 462, CS for CS for SB 58, SB 312, CS for CS for SB 204, CS for SB 1582, CS for CS for SB's 140, 998 and 1060, CS for CS for SB 1056, CS for SB 1048, CS for CS for SB 52, SJR 612, CS for CS for SB 2050, CS for SB 308, CS for SB 680, CS for CS for SB 1220, SB 614, SB 1370, CS for CS for SB 2242, CS for SB 1050, CS for SB 2378, SB 2436, SB 2670, CS for CS for SB 144, SB 146

Respectfully submitted,
Tom Lee, Chair

The Committee on Banking and Insurance recommends the following pass: **CS for SB 2212 with 1 amendment**

The Committee on Finance and Taxation recommends the following pass: **SB 1322, CS for SB 2186**

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

The Committee on Criminal Justice recommends the following pass: **CS for SB's 1254 and 1662**

The Committee on Governmental Oversight and Productivity recommends the following pass: **CS for SB 2228**

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

The Committee on Education recommends the following pass: **SB 1478, SB 2280**

The bills were referred to the Appropriations Subcommittee on Education under the original reference.

The Committee on Finance and Taxation recommends the following pass: **CS for SB 1438, CS for SB 2364, CS for SB 2388, CS for SB 2556 with 2 amendments, SB 2586**

The Committee on Governmental Oversight and Productivity recommends the following pass: **SB 2178, CS for SB 2636**

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

The Committee on Banking and Insurance recommends the following pass: **CS for SB 154, SB 1394 with 1 amendment**

The Committee on Governmental Oversight and Productivity recommends the following pass: **CS for SB 338 with 3 amendments**

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

The Committee on Comprehensive Planning recommends the following pass: **SB 546 with 5 amendments**

The Committee on Finance and Taxation recommends the following pass: **CS for SB 1828 with 1 amendment, CS for CS for SB 2266 with 2 amendments**

The Committee on Transportation recommends the following pass: **SJR 1400 with 1 amendment, SB 2486**

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

The Committee on Health, Aging, and Long-Term Care recommends the following pass: SB 2174 with 1 amendment

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

The Committee on Banking and Insurance recommends the following pass: SB 636

The Committee on Governmental Oversight and Productivity recommends the following pass: CS for CS for SB 2216, SB 2396 with 1 amendment

The bills contained in the foregoing reports were referred to the Committee on Commerce, Economic Opportunities, and Consumer Services under the original reference.

The Committee on Transportation recommends the following pass: SB 1422

The bill was referred to the Committee on Comprehensive Planning under the original reference.

The Committee on Banking and Insurance recommends the following pass: SB 2680

The Committee on Governmental Oversight and Productivity recommends the following pass: CS for SB 1558

The Committee on Health, Aging, and Long-Term Care recommends the following pass: SB 2180

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

The Committee on Transportation recommends the following pass: SB 1598

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

The Committee on Comprehensive Planning recommends the following pass: SB 332 with 1 amendment, CS for SB 2186 with 1 amendment

The Committee on Governmental Oversight and Productivity recommends the following pass: CS for SB's 1032, SB 2418 and SB 2496, with 1 amendment, CS for SB 1842, SB 2222 with 5 amendments, CS for SB 2334

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

The Committee on Education recommends the following pass: SB 2112, SB 2376, SJR 2512

The Committee on Regulated Industries recommends the following pass: SB 2842

The Committee on Transportation recommends the following pass: SB 1402

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

The Committee on Banking and Insurance recommends the following pass: SB 84

The bill was referred to the Committee on Health, Aging, and Long-Term Care under the original reference.

The Committee on Comprehensive Planning recommends the following pass: SB 1962

The bill was referred to the Committee on Home Defense, Public Security, and Ports under the original reference.

The Committee on Children and Families recommends the following pass: HB 263

The Committee on Commerce, Economic Opportunities, and Consumer Services recommends the following pass: CS for SB 1766

The Committee on Comprehensive Planning recommends the following pass: CS for SB 2128

The Committee on Criminal Justice recommends the following pass: SB 1456 with 1 amendment, SB 2796 with 1 amendment

The Committee on Health, Aging, and Long-Term Care recommends the following pass: SB 436 with 1 amendment

The Committee on Transportation recommends the following pass: CS for SB 2430

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

The Committee on Comprehensive Planning recommends the following pass: SB 1462

The bill was referred to the Committee on Natural Resources under the original reference.

The Committee on Governmental Oversight and Productivity recommends the following pass: CS for SB 1666, CS for SB 2526

The bills were referred to the Committee on Rules and Calendar under the original reference.

The Committee on Appropriations recommends the following pass: CS for SB 626 with 6 amendments

The Committee on Criminal Justice recommends the following pass: CS for SB 606

The Committee on Finance and Taxation recommends the following pass: SB 10, SB 32, SB 36, CS for SB 724, CS for SB 1842 with 3 amendments, CS for SB 2148, SB 2164 with 3 amendments, SB 2726

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 2002 with 1 amendment, CS for SB 2122 with 1 amendment, CS for SB 2380

The Committee on Health, Aging, and Long-Term Care recommends the following pass: CS for SB 1928

The Committee on Judiciary recommends the following pass: SB 2700, SB 2826

The Committee on Military and Veterans' Affairs, Base Protection, and Spaceports recommends the following pass: SB 2802

The Committee on Natural Resources recommends the following pass: SB 1476

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

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 1132

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

The Committee on Judiciary recommends a committee substitute for the following: SB 128

The bill with committee substitute attached was referred to the Appropriations Subcommittee on Article V Implementation and Judiciary under the original reference.

The Committee on Commerce, Economic Opportunities, and Consumer Services recommends a committee substitute for the following: SB 1530

The Committee on Comprehensive Planning recommends a committee substitute for the following: CS for SB 1350

The Committee on Criminal Justice recommends a committee substitute for the following: SB 1000

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

The Committee on Education recommends a committee substitute for the following: Senate Bills 1852, 1628 and 2344

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: CS for SB 1520

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

The Committee on Finance and Taxation recommends committee substitutes for the following: CS for SB 1920, SB 1944

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: CS for SB 2464

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

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: CS for SB 2144

The Committee on Health, Aging, and Long-Term Care recommends committee substitutes for the following: SB 400, SB 2098

The bills with committee substitutes attached contained in the foregoing reports were referred to the Appropriations Subcommittee on Health and Human Services under the original reference.

The Committee on Commerce, Economic Opportunities, and Consumer Services recommends a committee substitute for the following: SB 980

The Committee on Finance and Taxation recommends a committee substitute for the following: CS for SB 1752

The Committee on Governmental Oversight and Productivity recommends committee substitutes for the following: CS for SB's 186 and SB 2528, CS for SB 2658

The Committee on Transportation recommends a committee substitute for the following: SB 504

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

The Committee on Comprehensive Planning recommends committee substitutes for the following: CS for SB 518, CS for SB 574

The bills with committee substitutes attached were referred to the Committee on Banking and Insurance under the original reference.

The Committee on Health, Aging, and Long-Term Care recommends a committee substitute for the following: SB 2386

The Committee on Judiciary recommends a committee substitute for the following: SB 2748

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

The Committee on Commerce, Economic Opportunities, and Consumer Services recommends a committee substitute for the following: SB 1948

The Committee on Governmental Oversight and Productivity recommends committee substitutes for the following: CS for SB 1362, CS for SB 1556

The Committee on Home Defense, Public Security, and Ports recommends committee substitutes for the following: SB 1612, CS for SB 2578

The Committee on Judiciary recommends a committee substitute for the following: SB 1186

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

The Committee on Agriculture recommends a committee substitute for the following: SB 2350

The Committee on Education recommends a committee substitute for the following: Senate Bills 1254 and 1662

The Committee on Ethics and Elections recommends a committee substitute for the following: SB 2030

The Committee on Health, Aging, and Long-Term Care recommends a committee substitute for the following: SB 1738

The Committee on Judiciary recommends a committee substitute for the following: SB 2482

The Committee on Transportation recommends a committee substitute for the following: SB 2060

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

The Committee on Children and Families recommends a committee substitute for the following: SB 2744

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

The Committee on Commerce, Economic Opportunities, and Consumer Services recommends a committee substitute for the following: SB 474

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

The Committee on Regulated Industries recommends a committee substitute for the following: SB 2834

The Committee on Transportation recommends a committee substitute for the following: SB 2034

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

The Committee on Commerce, Economic Opportunities, and Consumer Services recommends a committee substitute for the following: CS for SB 1382

The Committee on Comprehensive Planning recommends a committee substitute for the following: CS for Senate Bills 1720 and 2572

The Committee on Health, Aging, and Long-Term Care recommends a committee substitute for the following: SB 2348

The Committee on Judiciary recommends a committee substitute for the following: CS for SB 2416

The Committee on Natural Resources recommends a committee substitute for the following: SB 2754

The Committee on Transportation recommends committee substitutes for the following: SB 1326, SB 2140

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

The Committee on Agriculture recommends a committee substitute for the following: SB 2558

The bill with committee substitute attached was referred to the Committee on Health, Aging, and Long-Term Care under the original reference.

The Committee on Commerce, Economic Opportunities, and Consumer Services recommends committee substitutes for the following: SB 718, CS for SB 2520

The Committee on Comprehensive Planning recommends committee substitutes for the following: SB 2118, CS for SB 2534

The Committee on Criminal Justice recommends committee substitutes for the following: SB 1078, CS for SB 1788

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

The Committee on Comprehensive Planning recommends a committee substitute for the following: SB 2688

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

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 1444

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

The Committee on Judiciary recommends a committee substitute for the following: SB 2652

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

The Committee on Appropriations recommends committee substitutes for the following: SB 372, SB 418, CS for CS for SB's 560 and CS/SB 2080, CS for CS for SB's 562 and SB 1912, CS for CS for SB's 564, SB 2120 and SB 2620, CS for SB 958, SB 1214, SB 2062

The Committee on Banking and Insurance recommends committee substitutes for the following: SB 2428, CS for SB 2678

The Committee on Commerce, Economic Opportunities, and Consumer Services recommends a committee substitute for the following: SB 1464

The Committee on Comprehensive Planning recommends a committee substitute for the following: CS for SB 1660

The Committee on Criminal Justice recommends a committee substitute for the following: CS for SB 1626

The Committee on Finance and Taxation recommends a committee substitute for the following: CS for SB 2414

The Committee on Health, Aging, and Long-Term Care recommends committee substitutes for the following: SB 1714, CS for SB 2264

The Committee on Regulated Industries recommends a committee substitute for the following: SB 2746

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

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

REPORTS OF SUBCOMMITTEES

The Appropriations Subcommittee on Criminal Justice recommends the following pass: SB 1052, SB 1806, SB 2336

The Appropriations Subcommittee on General Government recommends the following pass: SB 222, CS for SB 684, SB 730, SB 1998

The Appropriations Subcommittee on Health and Human Services recommends the following pass: CS for SB 2096

The Appropriations Subcommittee on Transportation and Economic Development recommends the following pass: CS for SB 1298, CS for SB 1758, SB 2794

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

The Appropriations Subcommittee on Article V Implementation and Judiciary recommends a committee substitute for the following: CS for SB 1492

The Appropriations Subcommittee on Criminal Justice recommends committee substitutes for the following: SB 2046, CS for SB 2172

The Appropriations Subcommittee on Education recommends committee substitutes for the following: CS for CS for SB 716, SB 1690

The Appropriations Subcommittee on General Government recommends committee substitutes for the following: CS for SB 742, CS for SB 1138, CS for SB 1312

The Appropriations Subcommittee on Health and Human Services recommends committee substitutes for the following: CS for SB 1318, CS for SB 2312, CS for SB 2390

The Appropriations Subcommittee on Transportation and Economic Development recommends committee substitutes for the following: SB 726, CS for SB 1616

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

REPORTS OF COMMITTEES RELATING TO EXECUTIVE BUSINESS

The Committee on Education recommends that the Senate confirm the following appointments made by the Governor:

<i>Office and Appointment</i>	<i>For Term Ending</i>	<i>Office and Appointment</i>	<i>For Term Ending</i>
Board of Trustees, Florida A & M University Appointees: Barney T. Bishop	To Be Determined by the Florida Legislature	Judy Albertson	To Be Determined by the Florida Legislature
James Douglas Corbin	To Be Determined by the Florida Legislature	Olga M. Calvet	To Be Determined by the Florida Legislature
Pamela Davis Duncan	To Be Determined by the Florida Legislature	Phyllis Klock	To Be Determined by the Florida Legislature
Board of Trustees, Florida Atlantic University Appointees: E. Llwyd Ecclestone	To Be Determined by the Florida Legislature	Richard A. Nunis	To Be Determined by the Florida Legislature
Jorge A. Dominicis	To Be Determined by the Florida Legislature	Board of Trustees, Florida State University Appointees: Emily June Duda	To Be Determined by the Florida Legislature
Nancy W. Blosser	To Be Determined by the Florida Legislature	Jim Smith	To Be Determined by the Florida Legislature
Scott H. Adams	To Be Determined by the Florida Legislature	John Thrasher	To Be Determined by the Florida Legislature
Sherry Plymale	To Be Determined by the Florida Legislature	Wm. Andrew Haggard	To Be Determined by the Florida Legislature
Virginia I. Miller	To Be Determined by the Florida Legislature	Board of Trustees, Florida Gulf Coast University Appointees: Larry D. Hart	To Be Determined by the Florida Legislature
Board of Trustees, University of Central Florida Appointees: Conrad Santiago	To Be Determined by the Florida Legislature	Linda K. Taylor	To Be Determined by the Florida Legislature
Geraldine "Gerri" M. Ferris	To Be Determined by the Florida Legislature	Reneé Francis Lee	To Be Determined by the Florida Legislature
		Scott F. Lutgert	To Be Determined by the Florida Legislature
		Board of Trustees, Florida International University Appointees: Adolfo Henriques	To Be Determined by the Florida Legislature
		Albert E. Dotson	To Be Determined by the Florida Legislature

<i>Office and Appointment</i>	<i>For Term Ending</i>	<i>Office and Appointment</i>	<i>For Term Ending</i>
Claudia Puig	To Be Determined by the Florida Legislature	R. Bruce Taylor	To Be Determined by the Florida Legislature
Patricia Frost	To Be Determined by the Florida Legislature	Wanyonyi Kendrick	To Be Determined by the Florida Legislature
Rafael A. Calderon	To Be Determined by the Florida Legislature	Wilfredo J. Gonzalez	To Be Determined by the Florida Legislature
Sergio Pino	To Be Determined by the Florida Legislature	Board of Trustees, University of South Florida Appointees: John B. Ramil	To Be Determined by the Florida Legislature
Board of Trustees, New College of Florida Appointees: Alexis A. Simendinger	To Be Determined by the Florida Legislature	Margarita R. Cancio	To Be Determined by the Florida Legislature
Jane T. Smiley	To Be Determined by the Florida Legislature	Board of Trustees, University of West Florida Appointees: Lornetta Taylor Epps	To Be Determined by the Florida Legislature
Margaret D. Lowman	To Be Determined by the Florida Legislature	Martha Alice Gilluly	To Be Determined by the Florida Legislature
Robert M. Johnson	To Be Determined by the Florida Legislature	Sharon Hess Herrick	To Be Determined by the Florida Legislature
Vicki Pearthree Raeburn	To Be Determined by the Florida Legislature		
Walter L. "Mickey" Presha	To Be Determined by the Florida Legislature	The Committee on Governmental Oversight and Productivity recommends that the Senate confirm the following appointments made by the Governor:	

<i>Office and Appointment</i>	<i>For Term Ending</i>
Board of Trustees, University of Florida Appointees: Manuel A. Fernandez	To Be Determined by the Florida Legislature
Marshall M. Criser	To Be Determined by the Florida Legislature
Roland C. Daniels	To Be Determined by the Florida Legislature
Board of Trustees, University of North Florida Appointees: Carol C. Thompson	To Be Determined by the Florida Legislature

Investment Advisory Council
Appointees: Donald W. Burton 12/12/2003
Gary W. Wood 12/12/2006

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

**INTRODUCTION AND
REFERENCE OF BILLS**

FIRST READING

SR 2848—Not referenced.

By Senator Cowin—

SB 2850—A bill to be entitled An act relating to Lake County; providing procedures by which the mobile home owners' association of a residential mobile home cooperative located within the county may alter, convert, lease, or modify the common areas of the mobile home coopera-

tive; providing requirements for voting and notice; providing requirements for absentee ballots; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Jones—

SB 2852—A bill to be entitled An act relating to the Pinellas County Construction Licensing Board, Pinellas County; amending part II of chapter 75-489, Laws of Florida, as amended; revising composition of the board; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Saunders—

SB 2854—A bill to be entitled An act relating to the Bayshore Fire Protection and Rescue Service District, Lee County; providing for codification of special laws relating to the District; amending, codifying, reenacting, and repealing all prior special acts; providing definitions; providing for creation, status, charter amendments, and boundaries; providing for a board of commissioners and the board's powers, duties, and responsibilities; providing authority to levy ad valorem taxes and non-ad valorem assessments; providing for the District's fiscal year; providing for deposit of District funds; authorizing the District to borrow money; providing for use of District funds; authorizing the board to adopt policies, regulations, and a fire prevention code; providing for liberal construction; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Crist—

SB 2856—A bill to be entitled An act relating to Hillsborough County; providing definitions; providing a statement of public purpose; providing for the establishment and collection of filing fees for maintaining and operating a law library and for ancillary payments for collection and administration of the revenues collected and any legal expenses incurred on behalf of the law library; providing for the payment of such fees; providing an exception from payment under certain circumstances; providing duties of the clerk; providing severability; repealing chapters 75-400 and 79-479, Laws of Florida, relating to funding for the law library; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Fasano—

SB 2858—A bill to be entitled An act relating to the Homosassa Special Water District in Citrus County; codifying, reenacting, amending, and repealing special acts related to the District; creating a District charter; creating an independent special district; providing a District boundary; providing powers, functions, and duties of the District; providing for amendment of the charter; providing for the District purpose; providing for financial disclosure, meeting notices, reporting, public records maintenance, and per diem expenses; providing District powers, functions, and duties; providing for a District governing board; providing for a chair and secretary-treasurer; providing for general obligation bonds; providing for revenue bonds; providing for refunding bonds; providing for levy of ad valorem taxes; providing for payment of bonds; providing for authority to levy and collect tax on real and personal property for administrative costs, expenditure generally; providing for construction costs; providing for special assessments for construction, reconstruction, repair, or maintenance of improvements; providing for

exemption from taxes and assessments; providing for liberal construction; providing for severability; providing for effect of conflicting laws; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senators Sebesta, Lee, Miller and Crist—

SB 2860—A bill to be entitled An act relating to the Hillsborough County Aviation Authority; codifying, reenacting, and amending the Authority's special acts; removing gender specific language; providing a short title; providing that the act is a reviser; deleting provisions which have expired, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies and redundancies; improving clarity and facilitating correct interpretation; providing for compliance with federal law in the expenditure of federal moneys; providing for the rights of employees; providing the act is an additional, alternative, and complete method for the exercise of powers by the Authority; providing a declaration of findings relating to Authority facilities and concessions; providing definitions; providing the purpose of the Authority; providing for members of the Authority, their procedures, and for removal; providing mandatory and discretionary powers and adding discretionary powers which are standard business practices of independent special districts not previously enumerated; providing for alcoholic beverage licenses owned by the Authority and for others operating on Authority property; providing for county and municipal powers and responsibilities and for private ownership transfers; providing for bonds and clarifying that terms of the bonds may be contained in bond documents; providing for bondholder rights and clarifying that bondholder rights may be contained in bond documents; providing for the award of contracts; providing for the legal effects of the acquisition of property or rights therein and for the sale of bonds; providing for an ad valorem tax; prohibiting the use of the taxing power of the state; providing for a covenant of the state; providing for an exemption from taxation; prohibiting discriminatory practices; providing for recodification; providing for grammatical usage; providing for severability; repealing chapters 23339 (1945), 24579 (1947), 27599 (1951), 57-1379, 59-1356, 61-2261, 61-2263, 67-1474, 72-561, 74-496, 75-388, 75-398, 75-401, 83-424, and 96-455, Laws of Florida, relating to the Authority; providing a savings clause; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Jones—

SB 2862—A bill to be entitled An act relating to the Greater Seminole Area Special Recreation District, Pinellas County; providing for codification of special laws relating to the district; providing legislative intent; codifying, reenacting, and amending chapters 80-584, 84-515, 84-516, 86-445, 88-445, Laws of Florida; describing district boundaries; providing for the district commissioners, their appointment and powers; repealing chapters 80-584, 84-515, 84-516, 86-445, 88-445, Laws of Florida; providing for liberal construction; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Crist—

SB 2864—A bill to be entitled An act relating to Hillsborough County; authorizing the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to issue an alcoholic beverage license to the University Area Community Development Corporation for use within the University Area Community Center Complex and its adjoining patio deck; providing that the license may be used for special events only; providing for payment of the license fee; providing

for sale of beverages for consumption within the University Area Community Center Complex and its adjoining patio deck; prohibiting sales for consumption off premises; providing for removal from the premises of partially consumed, open containers; providing for transfer of the license; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senators Sebesta, Lee, Crist and Miller—

SB 2866—A bill to be entitled An act relating to the City of Tampa, Hillsborough County; amending chapter 29126 (1953), Laws of Florida, relating to Parkland Estates Subdivision; amending the preamble to reflect that the enforcement of zoning regulations requires a collaborative effort between Parkland Estates Subdivision and the City of Tampa and incorporating the preamble as a section of law; amending sections 1, 2, 7, and 8; modernizing provisions; deleting references to garages, servant houses, and out houses; providing that side setbacks may not extend beyond 7.5 feet; providing an exception; providing that Parkland Estates Civic Club has concurrent enforcement powers with the City of Tampa; removing provisions requiring that any church construction be valued at a minimum of \$250,000; creating sections 4, 5, 6, and 7; providing for area rezoning of single-family residential structures by the City of Tampa and for grandfathering certain structures under certain circumstances; providing for conforming and nonconforming legal status for certain properties which have been and are used for nonresidential properties and for grandfathering certain structures under certain circumstances; directing the City of Tampa to initiate an area rezoning and requiring certain public hearings and notices; providing that the City of Tampa may enforce the use and development restrictions set forth in the act; providing that if there are inconsistencies between the City Zoning Code and the act, the act shall prevail; providing severability; repealing sections 3, 4, 5, 6, and 9, relating to use of properties between building lines and streets, of certain building materials and the sizes of buildings, the use of cesspools or septic tanks, the keeping of livestock and poultry, and misdemeanor infractions; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Lynn—

SB 2868—A bill to be entitled An act relating to the Southeast Volusia Hospital District, Volusia County; providing for codification of the district's charter; codifying, amending, and reenacting chapters 24961 (1947), 29586 (1953), 57-1931, 65-2362, 67-2148, 81-499, and 89-552, Laws of Florida; providing a declaration of legislative intent; repealing special acts relating to the district; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Fasano—

SB 2870—A bill to be entitled An act relating to to the East Lake Tarpon Special Fire Control District, Pinellas County; amending sections 3(2) and 11 of section 1 of chapter 2000-477, Laws of Florida; providing authority of the district with respect to land that is annexed by a municipality or other fire control district; providing for collection and payment of fire services taxes or assessments by such municipality or other district; providing for future repeal of the amendments made by the act; providing effective dates.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Miller—

SB 2872—A bill to be entitled An act relating to the Pinellas County School District; providing procedures for the conversion from district-wide elections of all school board members to a system that combines single-member districts and districtwide representation; providing for the school board to draw the single-member district lines; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Saunders—

SB 2874—A bill to be entitled An act relating to Lee County and the City of Cape Coral; providing for the annexation of various County-administered enclaves by interlocal agreement between the city and county, subject to approval by referendum; providing for procedures for adoption of the agreement and for a referendum; providing for authority for assumption of municipal service duties and transfer of infrastructure; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Posey—

SB 2876—A bill to be entitled An act relating to Titusville-Cocoa Airport District, a dependent special district in Brevard County; codifying the District's charter pursuant to s. 189.429, F.S.; providing for codification of special laws relating to Titusville-Cocoa Airport District pursuant to s. 189.429, F.S.; providing legislative intent; amending, codifying, repealing, and reenacting all prior special acts; declaring the status of the District; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Saunders—

SB 2878—A bill to be entitled An act relating to the Lee County Sheriff's Office, Lee County; amending chapter 74-522, Laws of Florida, as amended; providing for a retiree having less than 20 years of service to pay the health insurance benefits of his or her dependents; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Saunders—

SB 2880—A bill to be entitled An act relating to the Fort Myers Beach Public Library District; codifying, amending, and reenacting special acts relating to the district; providing membership, powers, and duties of the governing board of the district; providing for the levying of non-ad valorem assessments and the issuance of bonds; providing for the collection of taxes and assessments; providing construction; providing severability; repealing chapters 65-1823, 75-418, 79-489, 79-491, 81-414, 85-441, and 91-404, Laws of Florida; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Bullard—

SB 2882—A bill to be entitled An act relating to the Lower Florida Keys Hospital District, Monroe County; providing legislative intent; cod-

ifying, amending, repealing, and reenacting all special acts relating to the district; repealing chapters 67-1724, 69-1322, 72-617, 73-555, 73-558, 75-450, 77-600, 77-601, 77-602, 77-603, 78-565, 79-511, 82-414, 87-459, 89-551, and 94-415, Laws of Florida; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Bullard—

SB 2884—A bill to be entitled An act relating to the Key Largo Wastewater Treatment District, Monroe County; amending ch. 2002-337, Laws of Florida; removing district from requirements of ch. 120, Florida Statutes; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Bullard—

SB 2886—A bill to be entitled An act relating to Monroe County; amending chapter 76-441, Laws of Florida, as amended by chapter 87-454, Laws of Florida; extending the period within which any person who is 60 years of age or older or a totally and permanently disabled American veteran meeting low income standards may apply for a special lower rate, fee, rental, or other charge; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Bullard—

SB 2888—A bill to be entitled An act relating to the City of North Key Largo Beach, Monroe County; abolishing the city; repealing ch. 31037 (1955), Laws of Florida; providing for transfer of assets and liabilities to the Board of County Commissioners of Monroe County; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Bullard—

SB 2890—A bill to be entitled An act relating to Monroe County; amending chapter 76-441, Laws of Florida, as amended; providing for the exemption of the Florida Keys Aqueduct Authority from the provisions of chapter 120, Florida Statutes, the Administrative Procedure Act; deleting reference to chapter 120, Florida Statutes, from the law relating to the Authority; providing for public hearings under certain circumstances; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Posey—

SB 2892—A bill to be entitled An act relating to the Cape Canaveral Hospital District, Brevard County; providing legislative intent; codifying, amending, and reenacting special acts relating to the district; providing minimum charter requirements in accordance with s. 189.404(3), F.S.; providing severability; providing applicability; providing for liberal construction; repealing chapters 59-1121, 61-1903, 65-1290, 69-861, 75-332, 81-345, and 86-426, Laws of Florida; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Comprehensive Planning; and Rules and Calendar.

By Senator Posey—

SB 2894—A bill to be entitled An act relating to the North Brevard County Hospital District, a special taxing district in Brevard County; codifying, reenacting, and amending the district's charter; providing purpose; providing boundaries; establishing the North Broward County Hospital District Board; providing for membership, procedures, terms of office, removal from office, and filling of vacancies; providing for election of officers of the board; providing for a depository of board funds; authorizing the issuance of bonds; authorizing the establishment, construction, equipping, operation, maintenance, repair, or lease of facilities; providing for ad valorem taxation; authorizing contracts; providing for a training school for nurses; providing for public records; empowering the board to adopt rules and regulations; designating the Parrish Medical Center; providing for purchase of equipment; providing for discharge of employees or agents; providing for an employee retirement program; providing for use of moneys received; providing for transfer of residual assets in the event of dissolution of the district; providing for the sale of hospital facilities under certain circumstances; providing for lease of certain properties to third parties under certain circumstances; providing for disposition of surplus property; authorizing the board to establish a not-for-profit support corporation; providing for expenditure of funds therefor; providing for public records and meetings; providing exceptions; requiring an annual financial report; providing for adoption of provisions relating to the support corporation; providing for directors of the support corporation; providing for terms and financial disclosure; prohibiting certain acts of the support corporation; providing for adoption of articles of incorporation; providing for distribution of assets; prohibiting certain use of funds of the district; providing severability; providing for conflict; providing construction; repealing chapters 28924 (1953), 61-1910, 63-1140, 69-870, 70-606, 72-478, 73-409, 77-503, 81-347, 87-435, 88-453, 90-489, 91-339, 92-226, and 95-502, Laws of Florida; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Comprehensive Planning; and Rules and Calendar.

By Senator Posey—

SB 2896—A bill to be entitled An act relating to the Canaveral Port District, Brevard County; providing legislative intent; codifying, amending, and reenacting special acts relating to the district; providing severability; providing purpose and construction; providing applicability; repealing chapters 28922 (1953), 30606 (1955), 57-1178, 59-1093, 65-1286, 65-1287, 67-1131, 67-1144, 69-857, 69-868, 70-592, 70-601, 74-426, 74-427, 74-428, 75-335, 75-341, 76-326, 76-327, 78-471, 79-430, 80-455, 82-266, 84-394, 87-431, 88-483, 89-408, 89-553, 94-436, 95-465, and 2000-418, Laws of Florida; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Comprehensive Planning; and Rules and Calendar.

By Senator Bullard—

SB 2898—A bill to be entitled An act relating to the Florida Keys Mosquito Control District, Monroe County; amending chapter 2002-346, Laws of Florida; authorizing the district to make purchases up to the limit in s. 287.017(1)(a), F.S., without formal bids; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Bullard—

SB 2900—A bill to be entitled An act relating to the Lee County School District; requiring the Lee County School Board to submit to the electors of the county school district the question of whether the district school

board shall consist of five members, each to be elected from a single-member residence area by electors residing in that residence area only; requiring the district school board to provide for the orderly transition to such election of district school board members, if approved; providing for the staggering of district school board member terms; providing for a referendum; providing a ballot statement; providing an effective date.

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

By Senator Bullard—

SB 2902—A bill to be entitled An act relating to Lee County; amending the Lee County Home Rule Charter to provide for the election of commissioners from single districts; providing for the creation of districts; providing an exception; providing for a referendum; providing a ballot statement; providing for the staggering of commissioner terms; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By Senator Carlton—

SB 2904—A bill to be entitled An act relating to Charlotte and Sarasota Counties; creating the Englewood Water District; establishing boundaries; providing definitions; providing for election of a Board of Supervisors to govern said District; establishing powers, authority, and duties of the Board; granting to said governing board the authority in the territory defined to construct, acquire, extend, enlarge, reconstruct, improve, maintain, equip, repair, and operate a water system, wastewater system, or wastewater reuse system, or any combination thereof; authorizing the levy and collection of non-ad valorem assessments on property benefited by the construction of such water system, wastewater system, or wastewater reuse system, or combined systems; providing for optional methods of financing the cost of the water system, wastewater system, or wastewater reuse system or combined systems or extensions and additions thereto by the issuance of revenue bonds or assessment bonds or any combination thereof and the fixing and collection hereof and the fixing and collection of rates and charges on users of such systems; providing for the levy and collection of non-ad valorem assessments on benefited property and the pledge of such assessments for the payment of any revenue bonds, or assessment bonds; providing for the rights, remedies, and security of any of the holders of said bonds; providing penalties; repealing chapter 96-499, Laws of Florida, relating to the creation and establishment of the Englewood Water District; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Geller—

SB 2906—A bill to be entitled An act relating to the City of Coral Springs, Broward County; extending and enlarging the corporate limits of the City of Coral Springs to include specified unincorporated lands within said corporate limits; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Geller—

SB 2908—A bill to be entitled An act relating to the Cities of Coconut Creek and Parkland, Broward County; clarifying and delineating the common boundaries between the respective municipalities; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Geller—

SB 2910—A bill to be entitled An act relating to Broward County; providing for the disposition to general purpose local government of certain lands and interest in lands owned or controlled by the State of Florida and which are located in Section 16, Township 51 South, Range 41 East, and Section 21, Township 51 South, Range 41 East, in Broward County; providing for severability; providing for effect of conflict; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Comprehensive Planning; and Rules and Calendar.

By Senator Geller—

SB 2912—A bill to be entitled An act relating to the City of Weston, Broward County; extending and enlarging the corporate limits of the City of Weston to include specific unincorporated lands within said corporate limits; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Geller—

SB 2914—A bill to be entitled An act relating to Broward County; extending the corporate limits of the City of Hollywood or the Town of Pembroke Park; providing for annexation of specified unincorporated lands; providing for an election; providing for effective date of annexation; providing for continuation of certain Broward County regulations; providing for the transfer of public roads and rights-of-way; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Geller—

SB 2916—A bill to be entitled An act relating to Broward County; amending chapter 2001-289, Laws of Florida; authorizing local governments in the county to grant an exemption from impact fees for transportation facilities for certain developments; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Geller—

SB 2918—A bill to be entitled An act relating to Broward County; providing for deannexation of certain lands from the City of Cooper City; providing for annexation of certain lands into the Town of Southwest Ranches; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Geller—

SB 2920—A bill to be entitled An act relating to the North Lauderdale Water Control District, Broward County; codifying, amending, reenacting, and repealing the district's special acts; providing that the district may borrow money at a rate not exceeding that which is provided by law; providing for the members of the board of supervisors to be known as the city commission of the City of North Lauderdale; amending the meeting notice requirements and clarifying that meetings be held at a public

place; providing that the interest rates on tax anticipation notes issued by the board shall not exceed the maximum rate allowed by law; providing for the use of non-ad valorem assessments; providing that this act shall take precedence over any conflicting law to the extent of such conflict; providing for severability; repealing chapters 63-661, 82-273, 85-385, 94-428, and 97-370, Laws of Florida; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Geller—

SB 2922—A bill to be entitled An act relating to Broward County; amending chapter 2000-461, Laws of Florida, relating to the Children's Services Council of Broward County; increasing the membership of the council; revising requirements concerning delivery of the written budget to Broward County; revising procedures concerning levying of ad valorem taxes; exempting the council from payment of fees, taxes, or incremental tax revenues to community redevelopment agencies; providing expenditure authority and procedures for budgeted funds up to \$5,000; authorizing expenditures by electronic wire transfers under specified procedures; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

SB 2924 was withdrawn prior to introduction.

By Senator Dockery—

SB 2926—A bill to be entitled An act relating to Osceola County; creating an independent special district known as Tohopekaliga Water Authority; providing legislative findings and intent; providing definitions; describing the district boundaries; providing for service areas subject to the approval of affected general purpose local governments; providing that the purpose of the district shall be for the planning, acquisition, development, operation, and maintenance of water and wastewater management systems within the district and its service area; limiting the provision of district services and facilities to only those areas authorized by affected general purpose local governments; providing for an appointed governing body of the district composed of five supervisors and setting forth their authority, terms of office, qualifications, compensation, and method of appointment; providing for the filling of vacancies in office; providing district powers, functions, and duties; providing for the acquisition of land; providing for the levy and collection of rates, fees, assessments, and other charges for the provision of capital facilities or use of district services or payment of operating and financing costs; providing for borrowing money and issuing bonds, certificates, obligations, or other evidence of indebtedness; prohibiting the creation of state, county, or municipal debt; providing for the collection of unpaid rates, fees, assessments, and other charges; providing for the adoption of a master plan; providing for enforcement and penalties; providing for merger and dissolution; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Geller—

SB 2928—A bill to be entitled An act relating to Broward County; creating the Woodlands Independent District within the City of Tamarac; providing for boundaries; providing for the purpose and authority of the district; providing for powers, functions, and duties of the district relating to taxation, bonds, revenue raising capabilities, budget, liens, special assessments, non-ad valorem assessments, and contractual agreements; providing for election, organization, powers, duties, and compensation of the governing board of the district; providing for applicable financial notice and disclosure governing the district; providing for the issuance of bonds; providing for district elections; providing

for methods of financing the district; providing for powers and duties as granted to neighborhood improvement districts; providing for powers to establish maintenance, security, aesthetic, and architectural standards within the district; providing for powers over streets and ways within the district; providing for a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Geller—

SB 2930—A bill to be entitled An act relating to the Cypress Creek Center Transportation Management District, Broward County; creating the Cypress Creek Center Transportation Management District; providing for the geographic boundaries of the District; providing for the purpose of the District; providing for the powers, functions, and duties of the District; providing for the creation of the governing board of the District to be known as the Cypress Creek Center Transportation Management Association; providing for membership, organization, compensation, and administrative duties of the governing board of the District; providing for the financial disclosure, noticing, and reporting requirements of the District; providing for the procedure for conducting any District elections or referenda; providing for planning requirements; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Posey—

SB 2932—A bill to be entitled An act relating to Brevard County; amending chapter 94-419, Laws of Florida, as amended by chapter 2000-451, Laws of Florida; revising provisions relating to license term; revising provisions relating to fees; revising provisions relating to the limitation on the issuance of licenses; revising provisions relating to the use of proceeds from the collection of licensing fees; providing an expiration date; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Posey—

SB 2934—A bill to be entitled An act relating to Indian River and Brevard Counties; codifying, amending, and reenacting special acts relating to the Sebastian Inlet Tax District; providing for a governing body; providing powers and duties; providing for construction and maintenance of an inlet between the Indian River and the Atlantic Ocean; authorizing the levy of taxes; providing severability; providing applicability; repealing chapters 7976 (1919), 8901 (1921), 12259 (1927), 18138 (1937), 18139 (1937), 22891 (1945), 63-910, 76-329, 78-470, 82-307, and 88-535, Laws of Florida; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Posey—

SB 2936—A bill to be entitled An act relating to the Melbourne-Tillman Water Control District, Brevard County; amending ch. 2001-336, Laws of Florida; amending district boundaries; amending the powers and duties of the Melbourne-Tillman Water Control District, a dependent special district in Brevard County, to authorize the district to sell, lease, or otherwise dispose of real property; providing the procedure for such sale, lease, or other disposition; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Carlton—

SB 2938—A bill to be entitled An act relating to Sarasota County; providing legislative intent; amending, codifying, and reenacting all special acts relating to the Sarasota County Public Hospital District; providing District boundaries; providing for a governing board; providing powers, functions, and duties of the District and its governing board, including express power to sell and exchange real estate; repealing chapters 26468 (1949), 27888 (1951), 31262 (1955), 57-1838, 59-1839, 61-2807, 61-2855, 61-2868, 63-1893, 63-1895, 63-1896, 63-1913, 65-2226, 65-2227, 65-2232, 67-2047, 69-1583, 69-1593, 71-907, 83-525, 84-530, 85-501, 86-373, 87-526, 88-534, 90-411, 90-422, 95-507, and 2000-400, Laws of Florida, except for the provisions approved in referendum on January 10, 1950, conferring ad valorem taxing authority; ratifying actions of the District and the governing board taken pursuant to chapter 69-1583, Laws of Florida; providing severability; providing for construction and effect; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Saunders—

SB 2940—A bill to be entitled An act relating to Collier County; amending chapter 69-1326, Laws of Florida, as amended; increasing the borrowing power of the City of Naples Airport Authority; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Bullard—

SB 2942—A bill to be entitled An act relating to Central County Water Control District, Hendry County; amending ch. 2000-415, Laws of Florida; requiring that the supervisors of the district be elected by a vote of qualified electors residing in the district; establishing procedures and extending certain supervisor terms for the implementation of this act; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senators Argenziano and Smith—

SB 2944—A bill to be entitled An act relating to Levy County; amending ch. 98-473, Laws of Florida, relating to the Cedar Key Water and Sewer District; repealing a provision relating to bids for contracts; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Lynn—

SB 2946—A bill to be entitled An act relating to Halifax Hospital Medical Center, Volusia County; codifying, reenacting, and amending the charter of the Halifax Hospital Medical Center special tax district; providing for boundaries of the district; establishing a Board of Commissioners; providing for membership and appointment; providing powers and duties of the board; providing for meetings of the board; authorizing the district to establish, construct, operate, and maintain hospitals, medical facilities, and services; providing that the district shall have the power of eminent domain; authorizing the district to perform certain functions in order to carry out the purposes of the act; providing for the issuance of bonds and procedures relating thereto; authorizing the district to levy and collect certain taxes; authorizing officers of the district to sign checks and warrants; providing procedure for levy and collection

of taxes; providing for the payment of expenses; requiring the establishment of revenue accounts; requiring the district to provide care and services for the medically indigent; providing for liberal construction; exempting property of the district from taxation; requiring an annual audit of the books and records of the district; providing for employee benefits; providing for competitive bidding; providing an alternative to bidding procedure; providing an exception; authorizing the board to designate a direct-support organization; providing for severability; repealing chapters 79-577, 79-578, 84-539, 89-409, and 91-352, Laws of Florida; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Bullard—

SB 2948—A bill to be entitled An act relating to the Florida Keys Mosquito Control District, Monroe County; amending chapter 2002-346, Laws of Florida; increasing the amount of money which may be borrowed from \$150,000 for a period of time not to exceed 2 years to \$1 million for a period of time not to exceed 5 years; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

Senate Resolutions 2950—2956—Not referenced.

By Senator Geller—

SB 2958—A bill to be entitled An act relating to Broward County; clarifying and delineating the corporate limits of the Cities of Coral Springs and Margate to include specified lands within said corporate limits; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Saunders—

SB 2960—A bill to be entitled An act relating to the Lee County Trauma Services District, an independent district; providing for establishment of the Lee County Trauma Services District for the purpose of financially supporting trauma services in Lee County; providing that such trauma services shall be provided through a designated Level II Trauma Center; providing for a governing board; providing for officers of the governing board; providing for audit of books; providing for quarterly meetings; prescribing the powers and duties of the board; stating a public purpose; providing for a budget; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

Senate Resolutions 2962—2968—Not referenced.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Judiciary; and Senators Campbell and Cowin—

CS for SB 128—A bill to be entitled An act relating to children and families; creating s. 752.011, F.S.; providing for court-ordered visitation for grandparents and great-grandparents under certain circumstances; providing for appointment of a guardian ad litem and family mediation

if the court makes a preliminary finding that the minor is threatened with demonstrable significant mental or emotional harm without such visitation; requiring court-ordered evaluation of the child if mediation fails; providing for a hearing to determine whether the minor is threatened with harm; providing for attorney's fees and costs; applying the Uniform Child Custody Jurisdiction and Enforcement Act; repealing s. 752.01, F.S., relating to grandparental visitation; encouraging consolidation of actions under ss. 61.13, 752.011, F.S.; amending ss. 752.015, 752.07, F.S., to conform cross-references; amending s. 39.01, F.S.; including references to great-grandparents in definitions relating dependent children; amending s. 39.509, F.S.; providing for great-grandparents' visitation rights; amending ss. 39.801, 63.0425, F.S.; providing for a great-grandparent's right to notice; amending s. 61.13, F.S.; providing for great-grandparents' visitation rights; conforming this section to provisions of this act; amending s. 63.172, F.S.; conforming references relating to great-grandparental visitation rights under ch. 752, F.S.; providing an effective date.

By the Committees on Governmental Oversight and Productivity; Comprehensive Planning; and Senators Geller and Webster—

CS for CS for SB 186 and 2528—A bill to be entitled An act relating to governmental reorganization; creating s. 20.101, F.S.; creating the Department of State and Community Affairs; providing the mission of the department; providing that the department shall be headed by a secretary appointed by, and serving at the pleasure of, the Governor; establishing divisions within the department; providing that the Florida Housing Finance Corporation and the Division of Emergency Management shall be placed in the department for administrative purposes; requiring appointment of division directors; providing for the appointment of deputy and assistant secretaries; providing for the establishment of bureaus, sections, and subsections deemed necessary by the secretary for certain purposes; providing for the appointment of directors or executive directors of any commission or council assigned to the department; providing for the Director of the Division of Emergency Management to be appointed by the Governor; repealing s. 20.10, F.S., relating to the Department of State; repealing s. 20.18, F.S., relating to the Department of Community Affairs; providing for the transfer of programs, functions, activities, powers, duties, rules, records, personnel, property, and unexpended balances among certain state agencies; providing that the Secretary of State shall continue in office as the Secretary of the Department of State and Community Affairs without further appointment or confirmation; providing transitional provisions; requiring the department to solicit input from various interest groups and submit a joint report with other agencies to the Governor and the Legislature; prohibiting substantive changes by rule to the department's programs until the end of the 2004 Legislative Session; directing the Division of Statutory Revision to prepare a reviser's bill for the 2004 Regular Session of the Legislature; amending s. 163.3167, F.S.; prohibiting abrogation of a quasi-judicial development order under certain circumstances; providing an effective date.

By the Committee on Appropriations; and Senators Clary and Pruitt—

CS for SB 372—A bill to be entitled An act relating to governmental operations; creating s. 216.1817, F.S.; providing legislative intent with respect to the fees state agencies charge for providing a service or regulating a profession; requiring each state agency to review its fees; requiring state agencies to determine whether specified services and regulatory oversight should be provided by the state or the private sector; providing criteria; requiring a report to the Governor and the Legislature as part of the agency's legislative budget request; amending s. 372.16, F.S.; increasing the license fee for private game preserves and farms; amending s. 372.57, F.S.; increasing nonresident hunting and fishing license fees; amending s. 372.661, F.S.; increasing the private hunting preserve license fee; amending s. 372.87, F.S.; increasing the reptile license fee; amending s. 372.921, F.S.; increasing the permit fees for exhibiting wildlife; amending s. 372.922, F.S.; increasing the permit fee for possessing certain wildlife; amending s. 403.087, F.S., relating to permits for a water pollution source; requiring the Department of Environmental Protection to impose processing fees that cover the costs of application review; amending s. 482.091, F.S.; increasing the fee imposed for an identification card for an employee who performs pest

control services; amending ss. 487.045 and 487.048, F.S.; requiring the Department of Agriculture and Consumer Services to establish fees by rule for private and public applicators of pesticides and distributors of restricted-use pesticides; amending ss. 534.021, 534.031, 534.041, and 534.083, F.S.; increasing the fees charged for recording and obtaining a certificate of a livestock mark or brand and for renewing such certificate; increasing the livestock hauler's permit fee; amending s. 586.045, F.S.; increasing the late-registration fee for beekeepers; providing a schedule of registration fees based upon the number of honeybee colonies kept within this state by a beekeeper; amending s. 597.004, F.S.; increasing the registration fee for a producer of marine aquaculture products; amending s. 849.094, F.S.; increasing the filing fee for the operator of a game promotion; requiring the Department of Environmental Protection to determine the costs associated with certain specified permits and report to the Legislature; providing an effective date.

By the Committee on Health, Aging, and Long-Term Care; and Senator Peaden—

CS for SB 400—A bill to be entitled An act relating to health programs; amending s. 120.80, F.S.; exempting hearings in the Agency for Health Care Administration from the requirement of being conducted by an administrative law judge; amending s. 400.0255, F.S.; providing for certain hearings to be conducted by the agency's Office of Fair Hearings relating to resident transfer or discharge; amending s. 408.15, F.S.; providing authority of the agency to establish and conduct Medicaid fair hearings; amending s. 409.91195, F.S.; revising provisions relating to the establishment of the agency's preferred drug list; providing for appeals of preferred drug list decisions through the Office of Fair Hearings; amending s. 400.0239, F.S.; providing for deposit of certain federal nursing home civil penalties into the Quality of Long-Term Care Facility Improvement Trust Fund; providing for expenditures from the fund; amending s. 400.071, F.S.; requiring additional information from applicants for licensure to operate health care facilities; amending s. 400.414, F.S.; revising grounds for denial, revocation, or suspension of a license; amending s. 400.419, F.S.; providing for imposition of administrative fines; providing grounds for such fines; amending s. 400.417, F.S.; revising methods of notifying a facility of the necessity of renewing a license; amending s. 400.557, F.S.; revising methods of notifying adult day care centers of the necessity of renewing a license; amending s. 400.619, F.S.; providing for notification of an adult family-care home of the necessity of renewing a license and providing the method therefor; amending s. 400.980, F.S.; deleting obsolete provisions; amending s. 408.061, F.S.; revising requirements for data submission by nursing homes and continuing care facilities; amending s. 408.062, F.S.; revising duties of the agency with respect to evaluating and monitoring data and reporting its findings; amending s. 408.831, F.S.; providing conditions on a change of ownership or a change of licensee, registrant, or certificateholder; amending s. 409.811, F.S.; defining the term "managed care plan"; amending s. 409.8132, F.S.; creating a cross-reference to such definition; amending s. 409.91188, F.S.; authorizing the agency to contract with private or public entities for health care services; amending s. 409.912, F.S.; revising provisions relating to cost-effective purchasing of health care; deleting provisions relating to preenrollments by managed care plans; deleting obsolete provisions; amending s. 409.901, F.S.; redefining the terms "third party" and "third-party benefit"; amending s. 409.905, F.S.; revising standards for authorization for hospital inpatient services; amending s. 409.913, F.S.; deleting a requirement that a hearing be conducted within a specified time; amending s. 409.919, F.S.; authorizing the agency to adopt rules relating to interagency agreements; amending s. 766.314, F.S.; redefining the term "infant delivered"; amending s. 400.462, F.S.; redefining the terms "companion" and "sitter"; amending s. 400.464, F.S.; deleting references to regulated entities other than home health agencies; increasing penalties for specified violations and providing penalties for persons operating home health agencies who fail to cease operation when directed to do so; amending s. 400.471, F.S.; requiring additional information from applicants for home health agency licensure; amending s. 400.487, F.S.; revising requirements relating to treatment orders when claims are submitted to managed care organizations; amending s. 400.491, F.S.; deleting a requirement that home health agencies maintain a service provision plan for clients receiving nonskilled services; amending s. 400.512, F.S., relating to screening of home health agency personnel; deleting references to persons employed as companions and homemakers; amending s. 400.515, F.S.; revising provisions relating to injunctive proceedings by

the agency; repealing s. 400.509, F.S., relating to registration of service providers exempt from licensure; providing an effective date.

By the Committee on Appropriations; and Senator Pruitt—

CS for SB 418—A bill to be entitled An act relating to state financial matters; amending s. 11.045, F.S., relating to the Legislative Lobbyist Registration Trust Fund; removing an exemption from a service charge; amending s. 14.2015, F.S.; deleting provisions authorizing the Office of Tourism, Trade, and Economic Development to expend the interest earned from specified trust funds; repealing s. 17.43(2), F.S., relating to the carryforward of funds in the Comptroller's Federal Equitable Sharing Trust Fund; amending s. 18.125, F.S.; requiring that certain trust fund moneys be invested pursuant to s. 18.10, F.S., relating to deposits and investments of state money; limiting the interest earnings that are deposited in trust funds; providing exceptions; repealing s. 20.2553(2), F.S., relating to the carryforward of funds in the Federal Law Enforcement Trust Fund within the Department of Environmental Protection; repealing s. 20.3315(2), F.S., relating to the carryforward of funds in the Florida Forever Program Trust Fund; repealing s. 20.435(1)(a)2., (b)2., (c)2., (d)2., (e)2., (f)2., F.S., relating to the carryforward of funds in Department of Health trust funds; repealing s. 20.505(3), F.S., relating to the carryforward of funds in the Administrative Trust Fund of the Agency for Workforce Innovation; repealing s. 61.1812(2), F.S., relating to the carryforward of funds in the Child Support Incentive Trust Fund; repealing s. 61.1816(2), F.S., relating to the carryforward of funds in the Child Support Clearing Trust Fund; amending s. 112.3215, F.S., relating to the Executive Branch Lobby Registration Trust Fund; removing an exemption from a service charge; repealing s. 202.193(2), F.S., relating to the carryforward of funds in the Local Communications Services Tax Clearing Trust Fund; amending s. 206.46, F.S., relating to the State Transportation Trust Fund; limiting the interest deposited into the fund; amending s. 211.31, F.S.; limiting the interest deposited into certain trust funds created for the tax on solid minerals; amending s. 215.20, F.S.; reducing the rate of the general revenue service charge; applying the service charge uniformly to trust funds; deleting certain exceptions; amending s. 215.22, F.S.; deleting certain exemptions from the general revenue service charge; providing for exemptions under certain conditions and procedures; requiring legislative review of certain exemptions; providing intent; amending s. 215.24, F.S.; providing for exemptions from the general revenue service charge under certain conditions and procedures; repealing s. 250.175(2), F.S., relating to the carryforward of funds in the Federal Law Enforcement Trust Fund within the Department of Military Affairs; repealing s. 250.601(3)(b), F.S., relating to the carryforward of funds in the Emergency Response Trust Fund; repealing s. 261.12(1)(d) and (3), F.S., relating to interest and the carryforward of funds in the Incidental Trust Fund of the Division of Forestry of the Department of Agriculture and Consumer Services; repealing s. 288.063(10), F.S., relating to the reversion of funds in contracts for transportation projects; repealing s. 288.065(4), F.S., relating to the reversion of funds in the Rural Community Development Revolving Loan Fund; repealing s. 288.0655(5), F.S., relating to the reversion of funds in the Rural Infrastructure Fund; amending s. 288.95155, F.S.; removing interest earnings and limiting the reversion and use of moneys in the Florida Technology Research Investment Fund; amending s. 288.9607, F.S., relating to the State Transportation Trust Fund; limiting the interest deposited into the fund; amending s. 320.781, F.S., relating to the Mobile Home and Recreational Vehicle Protection Trust Fund; limiting the interest deposited into the fund; repealing s. 338.2216(3)(b), F.S., relating to the carryforward of funds by the Florida Turnpike Enterprise; amending s. 339.08, F.S.; limiting the interest deposited into the State Transportation Trust Fund; repealing s. 339.082(2), F.S., relating to the carryforward of funds in the Federal Law Enforcement Trust Fund within the Department of Transportation; amending s. 339.135, F.S.; limiting the interest deposited into the State Transportation Trust Fund; amending s. 365.173, F.S., relating to the Wireless Emergency Telephone System Fund; removing an exemption from the service charge; amending s. 372.105, F.S.; limiting the interest deposited into the Lifetime Fish and Wildlife Trust Fund; repealing s. 372.106(3), F.S., relating to an exemption from the service charge for the Dedicated License Trust Fund; repealing s. 372.107(2), F.S., relating to the carryforward of funds in the Federal Law Enforcement Trust Fund within the Fish and Wildlife Conservation Commission; repealing s. 372.127(2), F.S., relating to the carryforward of funds in the Conservation and Recreation Lands Program Trust Fund; amending s. 373.4137, F.S.; limiting the interest deposited into the State Transportation Trust

Fund; amending s. 376.11, F.S.; limiting the interest deposited into the Florida Coastal Protection Trust Fund; repealing s. 376.121(11)(b), F.S., relating to the use of interest from the investment of moneys recovered by the Department of Environmental Protection; amending s. 376.307, F.S.; limiting the interest deposited into the Florida Coastal Protection Trust Fund; amending s. 376.3071, F.S.; limiting the interest deposited into the Inland Protection Trust Fund; amending s. 376.40, F.S.; limiting the interest deposited into the Minerals Trust Fund; amending s. 378.035, F.S.; limiting the interest deposited into the Nonmandatory Land Reclamation Trust Fund; repealing s. 380.5115(2), F.S., relating to the carryforward of funds in the Florida Forever Program Trust Fund; amending s. 385.207, F.S.; limiting the interest deposited into the Epilepsy Services Trust Fund; repealing s. 400.0239(4), F.S., relating to the carryforward of funds in the Quality of Long-Term Care Facility Improvement Trust Fund; amending s. 420.9079, F.S.; limiting the interest deposited into the Local Government Housing Trust Fund; repealing s. 430.41(2), F.S., relating to the carryforward of funds in the Grants and Donations Trust Fund of the Department of Elderly Affairs; amending s. 440.50, F.S.; limiting the interest deposited into the Workers' Compensation Administration Trust Fund; repealing s. 440.501(2), F.S., relating to the carryforward of funds in the Workers' Compensation Administration Trust Fund; amending s. 445.0325, F.S.; limiting the interest deposited and carryforward of funds in the Welfare Transition Trust Fund; amending s. 464.0198, F.S.; limiting the interest deposits and carryforward of funds in the Florida Center for Nursing Trust Fund; amending s. 468.392, F.S.; limiting the interest deposited into the Auctioneer Recovery Fund; amending s. 473.3065, F.S.; limiting the interest deposited into a program account of the Professional Regulation Trust Fund; amending s. 527.23, F.S.; limiting the interest deposited into the General Inspection Trust Fund; repealing s. 561.027(2), F.S., relating to the carryforward of funds in the Federal Law Enforcement Trust Fund within the Department of Business and Professional Regulation; repealing s. 570.205(2), F.S., relating to the carryforward of funds in the Federal Law Enforcement Trust Fund within the Department of Agriculture and Consumer Services; repealing s. 570.207(2), F.S., relating to the carryforward of funds in the Conservation and Recreation Lands Program Trust Fund within the Department of Agriculture and Consumer Services; amending s. 576.045, F.S., relating to the General Inspection Trust Fund; removing an exemption from a service charge; amending s. 597.010, F.S.; limiting the interest deposited into the General Inspection Trust Fund; amending s. 601.15, F.S.; limiting the interest deposited into trust funds of the Department of Citrus; amending s. 601.28, F.S.; limiting the interest deposited into trust funds of the Department of Agriculture and Consumer Services; repealing s. 932.705(1)(b)2., F.S., relating to the carryforward of funds in the Federal Law Enforcement Trust Fund within the Department of Highway Safety and Motor Vehicles; amending s. 938.01, F.S.; limiting the interest deposited into certain trust funds of the Department of Law Enforcement and the Department of Children and Family Services; repealing s. 943.365(2), F.S., relating to the carryforward of funds in the Federal Law Enforcement Trust Fund within the Department of Law Enforcement; repealing s. 944.72(2), F.S., relating to the carryforward of funds in the Privately Operated Institutions Inmate Welfare Trust Fund; repealing s. 945.21502(2), F.S., relating to the carryforward of funds in the Inmate Welfare Trust Fund; repealing s. 946.522(3) and (4), F.S., relating to the services charge and the carryforward of funds in the Prison Industries Trust Fund; repealing s. 985.4041(2), F.S., relating to the carryforward of funds in the Juvenile Welfare Trust Fund; repealing s. 985.4042(2), F.S., relating to the carryforward of funds in the Juvenile Care and Maintenance Trust Fund; repealing s. 1004.41(3)(b), F.S., relating to the carryforward of funds in the University of Florida Health Center Operations and Maintenance Trust Fund; amending s. 1009.50, 1009.51, and 1009.52, F.S.; deleting provisions authorizing the carryforward of funds in the State Student Financial Assistance Trust Fund; amending s. 1009.68, 1009.72, and 1009.73, F.S.; limiting the interest deposited into the State Student Financial Assistance Trust Fund; amending s. 1009.86, F.S.; removing an exemption from a service charge and deleting provisions authorizing the carryforward of funds in the Student Loan Operating Trust Fund; amending s. 1009.89, F.S.; deleting provisions authorizing the carryforward of funds in the State Student Financial Assistance Trust Fund; repealing s. 1010.73(3), F.S., relating to the carryforward of funds in the State Student Financial Assistance Trust Fund; amending s. 1010.86, F.S.; limiting the interest deposited into certain funds of the State Board of Education; repealing s. 1010.87(2), F.S., relating to the carryforward of funds in the Workers' Compensation Administration Trust Fund within the Department of Education; amending s. 1011.51, F.S.; deleting provisions authorizing the carryforward of funds in the Grants and Donations Trust Fund of the Depart-

ment of Education; repealing s. 1011.57(4), F.S., relating to the carryforward of funds appropriated for the Florida School for the Deaf and the Blind; amending s. 1011.94, F.S.; deleting provisions authorizing the carryforward of funds in the Trust Fund for University Major Gifts; amending s. 1013.79, F.S.; limiting the interest deposited into the Alec P. Courtelis Capital Facilities Matching Trust Fund; providing an effective date.

By the Committee on Commerce, Economic Opportunities, and Consumer Services; and Senators Cowin, Fasano, Constantine and Lynn—

CS for SB 474—A bill to be entitled An act relating to the tax on sales, use, and other transactions; specifying a period during which the sale of school supplies or certain uniform school clothing shall be exempt from such tax; defining the term “school supplies” for purposes of the exemption; providing exceptions; providing for rules; providing a contingent effective date.

By the Committee on Transportation; and Senator Sebesta—

CS for SB 504—A bill to be entitled An act relating to safety belt law enforcement; amending s. 316.614, F.S.; deleting the requirement for enforcement of the Florida Safety Belt Law as a secondary action; providing an effective date.

By the Committees on Comprehensive Planning; Regulated Industries; and Senator Constantine—

CS for CS for SB 518—A bill to be entitled An act relating to the Florida Building Code; amending s. 553.73, F.S.; providing code amendment criteria and review requirements; amending s. 553.74, F.S.; revising the appointment of members to the Florida Building Commission; providing requirements relating to regional emergency elevator access; requiring elevators in certain newly constructed or substantially renovated buildings to be keyed alike within each of the state emergency response regions; providing for these requirements to be phased in for certain existing buildings; restricting the duplication and issuance of master elevator keys; requiring the labeling of master elevator keys; allowing local fire marshals to allow substitute emergency measures for elevator access in certain circumstances; providing for appeal of the local fire marshal's decision; providing for the State Fire Marshal to enforce these provisions; encouraging builders to use applicable new technology to provide regional emergency elevator access; providing an exemption; amending s. 553.77, F.S.; revising duties of the Florida Building Commission; deleting requirements that the commission hear certain appeals and issue declaratory statements; creating s. 553.775, F.S.; providing legislative intent with respect to the interpretation of the Florida Building Code; providing for the commission to resolve disputes regarding interpretations of the code; requiring the commission to review decisions of local building officials and local enforcement agencies; providing for publication of an interpretation on the Building Code Information System and in the Florida Administrative Weekly; amending s. 553.79, F.S.; exempting truss placement plans from certain requirements; amending s. 553.791, F.S.; providing conditions for use of private plans review and inspection; requiring a report to the Legislature on the implementation of this section; amending s. 553.80, F.S.; authorizing local governments to impose certain fees for code enforcement; providing requirements and limitations; authorizing the commission to expedite adoption and implementation of the existing state building code as part of the Florida Building Code pursuant to limited procedures; amending s. 120.80, F.S.; authorizing the Florida Building Commission to conduct proceedings to review decisions of local officials; creating the Florida Construction Council as a nonprofit corporation; requiring the council to provide administrative, technical, and code-development services to the Florida Building Commission; providing for staff for the council to be provided by Florida State University; providing for a board of directors; providing terms of office; providing requirements for operations; providing rulemaking authority; amending s. 399.106, F.S.; revising the membership of the Elevator Safety Technical Advisory Committee; removing provisions terminating the committee; amending s. 553.841, F.S.; revising the Building Code Training Program; amending s. 553.842, F.S.; adding an evaluation entity to the list of entities specifically approved by the commission; amending s. 633.171, F.S.; establishing penalties for

unauthorized use of fireworks and pyrotechnic devices; directing the Florida Building Commission to make certain reports and recommendations to the Legislature; providing an effective date.

By the Committees on Appropriations; Judiciary; Health, Aging, and Long-Term Care; Banking and Insurance; and Senators Saunders and Peadar—

CS for CS for CS for SB 560 and CS for SB 2080—A bill to be entitled An act relating to medical malpractice insurance; providing legislative findings; amending s. 624.462, F.S.; authorizing health care providers to form a commercial self-insurance fund; amending s. 627.062, F.S.; providing that an insurer may not require arbitration of a rate filing for medical malpractice; providing additional requirements for medical malpractice insurance rate filings; providing that portions of judgments and settlements entered against a medical malpractice insurer for bad-faith actions or for punitive damages against the insurer, as well as related taxable costs and attorney's fees, may not be included in an insurer's base rate; providing for review of rate filings by the Office of Insurance Regulation for excessive, inadequate, or unfairly discriminatory rates; requiring insurers to apply a discount based on the health care provider's loss experience; amending s. 627.0645, F.S.; excepting medical malpractice insurers from certain annual filings; amending s. 627.4147, F.S.; revising certain notification criteria for medical and osteopathic physicians; requiring prior notification of a rate increase; authorizing the purchase of insurance by certain health care providers; amending s. 627.912, F.S.; increasing the limit on a fine; requiring the Office of Insurance Regulation to adopt by rule requirements for reporting financial information; creating s. 627.41491, F.S.; requiring the Office of Insurance Regulation to require health care providers to annually publish certain rate comparison information; creating s. 627.41493, F.S.; requiring a medical malpractice insurance rate rollback; providing for subsequent increases under certain circumstances; requiring approval for use of certain medical malpractice insurance rates; creating s. 627.41492, F.S.; requiring the Office of Insurance Regulation to publish an annual medical malpractice report; creating s. 627.41495, F.S.; providing for consumer participation in review of medical malpractice rate changes; providing for public inspection; providing for adoption of rules by the Office of Insurance Regulation; providing for a mechanism to make effective the Florida Medical Malpractice Insurance Fund in the event the roll back of medical malpractice insurance rates is not completed; creating the Florida Medical Malpractice Insurance Fund; providing purpose; providing governance by a board of governors; providing for the fund to issue medical malpractice policies to any physician regardless of specialty; providing for regulation by the Office of Insurance Regulation of the Financial Services Commission; providing applicability; providing for initial funding; providing for tax-exempt status; providing for initial capitalization; providing for termination of the fund; providing that practitioners licensed under ch. 458 or ch. 459, F.S., must, as a licensure requirement, obtain and maintain professional liability coverage; requiring the Office of Insurance Regulation to order insurers to make rate filings effective January 1, 2004, which reflect the impact of the act; providing criteria for such rate filing; amending s. 456.049, F.S.; requiring the Department of Health to report certain liability claims to the Office of Insurance Regulation; amending s. 627.357, F.S.; providing guidelines for the formation and regulation of certain self-insurance funds; creating s. 627.9121, F.S.; requiring certain claims, judgments, or settlements to be reported to the Office of Insurance Regulation; providing penalties; requiring the Office of Program Policy Analysis and Government Accountability to study and report to the Legislature on requirements for coverage by the Florida Birth-Related Neurological Injury Compensation Association; authorizing health care facilities to apply to the Department of Financial Services for discounts in insurance rates after reducing adverse incidents and serious events at the facility; requiring health care facilities to apply to the Department of Financial Services for the certification of programs recommended by the Florida Center for Excellence in Health Care; requiring the Department of Financial Services to develop criteria for the certification; requiring insurers to file rates with the Department of Financial Services for review under specified circumstances; creating s. 627.0662, F.S.; providing definitions; requiring each medical liability insurer to report certain information to the Office of Insurance Regulation; providing for determination of whether excessive profit has been realized; requiring return of excessive amounts; amending s. 766.106, F.S.; providing for application of common law principles of good faith to an insurance company's bad-faith actions arising out of medical malpractice claims; pro-

viding that an insurer shall not be held to have acted in bad faith for certain activities during the presuit period and for 120 days after that period; providing legislative intent; providing for severability; providing a contingent effective date.

By the Committees on Appropriations; Judiciary; Health, Aging, and Long-Term Care; and Senators Saunders and Peadar—

CS for CS for CS for SB 562 and SB 1912—A bill to be entitled An act relating to health care; amending s. 120.80, F.S.; allowing a board within the Department of Health to appoint an administrative law judge or hearing officer who has certain expertise to hear a case involving standard of care; creating s. 381.0409, F.S.; providing that creation of the Florida Center for Excellence in Health Care is contingent on the enactment of a public-records exemption; creating the Florida Center for Excellence in Health Care; providing goals and duties of the center; providing definitions; providing limitations on the center's liability for any lawful actions taken; requiring the center to issue patient safety recommendations; requiring the development of a statewide electronic infrastructure to improve patient care and the delivery and quality of health care services; providing requirements for development of a core electronic medical record; authorizing access to the electronic medical records and other data maintained by the center; providing for the use of computerized physician medication ordering systems; providing for the establishment of a simulation center for high technology intervention surgery and intensive care; providing for the immunity of specified information in adverse incident reports from discovery or admissibility in civil or administrative actions; providing limitations on liability of specified health care practitioners and facilities under specified conditions; providing requirements for the appointment of a board of directors for the center; establishing a mechanism for financing the center through the assessment of specified fees; requiring the Florida Center for Excellence in Health Care to develop a business and financing plan; authorizing state agencies to contract with the center for specified projects; authorizing the use of center funds and the use of state purchasing and travel contracts for the center; requiring the center to submit an annual report and providing requirements for the annual report; providing for the center's books, records, and audits to be open to the public; requiring the center to annually furnish an audited report to the Governor and Legislature; creating s. 395.1012, F.S.; requiring facilities to adopt a patient safety plan; providing requirements for a patient safety plan; requiring facilities to appoint a patient safety officer and a patient safety committee and providing duties for the patient safety officer and committee; amending s. 395.004, F.S., relating to licensure of certain health care facilities; providing for discounted medical liability insurance based on certification of programs that reduce adverse incidents; requiring the Office of Insurance Regulation to consider certain information in reviewing discounted rates; amending s. 766.106, F.S.; providing that the claimant must also provide the Agency for Health Care Administration with a copy of a complaint alleging medical malpractice after filing a complaint; requiring the Agency for Health Care Administration to review such complaints for licensure noncompliance; creating s. 395.0056, F.S.; requiring the Agency for Health Care Administration to review complaints submitted if the defendant is a hospital; amending s. 395.0193, F.S., relating to peer review and disciplinary actions; providing for discipline of a physician for mental or physical abuse of staff; limiting liability of certain participants in certain disciplinary actions at a licensed facility; providing that a defendant's monetary liability shall not exceed \$250,000 on any action brought under this section; amending s. 395.0197, F.S., relating to internal risk management programs; deleting an exception from the risk prevention education requirement for certain health care practitioners; requiring a system for notifying patients that they are victims of an adverse incident; requiring risk managers or their designees to give notice; requiring licensed facilities to annually report certain information about health care practitioners for whom they assume liability; requiring the Agency for Health Care Administration and the Department of Health to annually publish statistics about licensed facilities that assume liability for health care practitioners; providing for disciplinary action against a person who has a duty to report an adverse incident but who fails to timely do so; providing for a fine for each day an adverse incident is not timely reported; requiring a licensed facility at which sexual abuse occurs to offer testing for sexually transmitted disease at no cost to the victim; amending s. 456.025, F.S.; eliminating certain restrictions on the setting of licensure renewal fees for health care practitioners; directing the Agency for Health Care Administration to conduct or contract for a study to determine what

information to provide to the public comparing hospitals, based on inpatient quality indicators developed by the federal Agency for Healthcare Research and Quality; creating s. 395.1051, F.S.; requiring certain facilities to notify patients about adverse incidents under specified conditions; creating s. 456.0575, F.S.; requiring licensed healthcare practitioners to notify patients about adverse incidents under certain conditions; amending s. 456.026, F.S., relating to an annual report published by the Department of Health; requiring that the department publish the report to its website; requiring the department to include certain detailed information; amending s. 456.041, F.S., relating to practitioner profiles; requiring the Department of Health to compile certain specified information in a practitioner profile; deleting provisions that provide that a profile need not indicate whether a criminal history check was performed to corroborate information in the profile; authorizing the department or regulatory board to investigate any information received; requiring the department to provide a narrative explanation, in plain English, concerning final disciplinary action taken against a practitioner; requiring a hyperlink to each final order on the department's website which provides information about disciplinary actions; requiring the department to provide a hyperlink to certain comparison reports pertaining to claims experience; requiring the department to include the date that a reported disciplinary action was taken by a licensed facility and a characterization of the practitioner's conduct that resulted in the action; deleting provisions requiring the department to consult with a regulatory board before including certain information in a health care practitioner's profile; providing for a penalty for failure to comply with the timeframe for verifying and correcting a practitioner profile; requiring the department to add a statement to a practitioner profile when the profile information has not been verified by the practitioner; requiring the department to provide, in the practitioner profile, an explanation of disciplinary action taken and the reason for sanctions imposed; requiring the department to include a hyperlink to a practitioner's website when requested; providing that practitioners licensed under ch. 458 or ch. 459, F.S. shall have claim information concerning an indemnity payment greater than \$100,000 posted in the practitioner profile; amending s. 456.042, F.S.; providing for the update of practitioner profiles; designating a timeframe within which a practitioner must submit new information to update his or her profile; amending s. 456.049, F.S., relating to practitioner reports on professional liability claims and actions; deleting a requirement that a practitioner report only if the claim or action was not covered by an insurer that is required to report; amending s. 456.051, F.S.; establishing the responsibility of the Department of Health to provide reports of professional liability actions and bankruptcies; requiring the department to include such reports in a practitioner's profile within a specified period; amending s. 458.320, F.S., relating to financial responsibility requirements for medical physicians; requiring the department to suspend the license of a medical physician who has not paid, up to the amounts required by any applicable financial responsibility provision, any outstanding judgment, arbitration award, other order, or settlement; amending s. 459.0085, F.S., relating to financial responsibility requirements for osteopathic physicians; requiring that the department suspend the license of an osteopathic physician who has not paid, up to the amounts required by any applicable financial responsibility provision, any outstanding judgment, arbitration award, other order, or settlement; providing civil immunity for certain participants in quality improvement processes; defining the terms "patient safety data" and "patient safety organization"; providing for use of patient safety data by patient safety organization; providing limitations on use of patient safety data; providing for protection of patient-identifying information; providing for determination of whether privilege applies as asserted; providing that an employer may not take retaliatory action against an employee who makes a good-faith report concerning patient safety data; requiring that a specific statement be included in each final settlement statement relating to medical malpractice actions; providing requirements for the closed claim form of the Office of Insurance Regulation; requiring the Office of Insurance Regulation to compile annual statistical reports pertaining to closed claims; requiring historical statistical summaries; specifying certain information to be included on the closed claim form; amending s. 456.039, F.S.; amending the information required to be furnished to the Department of Health for licensure purposes; amending s. 456.057, F.S.; allowing the department to obtain patient records by subpoena without the patient's written authorization, in specified circumstances; amending s. 456.063, F.S.; providing for adopting rules to implement requirements for reporting allegations of sexual misconduct; authorizing health care practitioner regulatory boards to adopt rules to establish standards of practice for prescribing drugs to patients via the Internet; amending s. 456.072, F.S.; providing for determining the amount of any costs to be assessed in a disciplinary

proceeding; prescribing the standard of proof in certain disciplinary proceedings; amending s. 456.073, F.S.; authorizing the Department of Health to investigate certain paid claims made on behalf of practitioners licensed under ch. 458 or ch. 459, F.S.; amending procedures for certain disciplinary proceedings; providing a deadline for raising issues of material fact; providing a deadline relating to notice of receipt of a request for a formal hearing; amending s. 456.077, F.S.; providing a presumption related to an undisputed citation; amending s. 456.078, F.S.; revising standards for determining which violations of the applicable professional practice act are appropriate for mediation; amending s. 458.331, F.S., relating to grounds for disciplinary action of a physician; redefining the term "repeated malpractice"; revising the standards for the burden of proof in an administrative action against a physician; revising the minimum amount of a claim against a licensee which will trigger a departmental investigation; amending s. 459.015, F.S., relating to grounds for disciplinary action against an osteopathic physician; redefining the term "repeated malpractice"; revising the standards for the burden of proof in an administrative action against an osteopathic physician; amending conditions that necessitate a departmental investigation of an osteopathic physician; revising the minimum amount of a claim against a licensee which will trigger a departmental investigation; amending s. 461.013, F.S., relating to grounds for disciplinary action against a podiatric physician; redefining the term "repeated malpractice"; amending the minimum amount of a claim against such a physician which will trigger a department investigation; amending s. 466.028, F.S., relating to grounds for disciplinary action against a dentist or a dental hygienist; redefining the term "dental malpractice"; revising the minimum amount of a claim against a dentist which will trigger a departmental investigation; amending s. 627.912, F.S.; amending provisions prescribing conditions under which insurers must file certain reports with the Department of Insurance; requiring the Office of Program Policy Analysis and Government Accountability and the Office of the Auditor General to conduct an audit, as specified, and to report to the Legislature; creating ss. 1004.08, 1005.07, F.S.; requiring schools, colleges, and universities to include material on patient safety in their curricula if the institution awards specified degrees; creating a workgroup to study the health care practitioner disciplinary process; providing for workgroup membership; providing that the workgroup deliver its report by January 1, 2004; providing for severability; providing appropriations and authorizing positions; providing a contingent effective date.

By the Committees on Appropriations; Judiciary; Health, Aging, and Long-Term Care; and Senators Saunders and Peadar—

CS for CS for CS for SB 564, SB 2120 and SB 2620—A bill to be entitled An act relating to medical malpractice; providing legislative findings; amending s. 46.015, F.S.; revising requirements for set offs against damages in medical malpractice actions if there is a written release or covenant not to sue; amending s. 456.057, F.S.; authorizing the release of medical information to defendant health care practitioners in medical malpractice actions under specified circumstances; amending s. 766.102, F.S.; revising requirements for health care providers providing expert testimony in medical negligence actions; prohibiting contingency fees for an expert witness; amending s. 766.106, F.S.; revising requirements for presuit notice and insurer or self-insurer response to a claim; permitting written questions during informal discovery; requiring a claimant to execute a medical release to authorize defendants in medical negligence actions to take unsworn statements from a claimant's treating physicians; providing for informal discovery without notice; imposing limits on such statements; amending s. 766.108, F.S.; providing for mandatory mediation; amending s. 766.202, F.S.; redefining the terms "economic damages," "medical expert," "noneconomic damages," amending s. 766.206, F.S.; providing for dismissal of a claim under certain circumstances; requiring the court to make certain reports concerning a medical expert who fails to meet qualifications; amending s. 766.207, F.S.; providing for the applicability of the Wrongful Death Act and general law to arbitration awards; amending s. 768.041, F.S.; revising requirements for set offs against damages in medical malpractice actions if there is a written release or covenant not to sue; providing legislative intent and findings with respect to the provision of emergency medical services and care by care providers; amending s. 768.13, F.S.; extending immunity from liability to certain health care practitioners in response to an emergency in a hospital; amending s. 768.28, F.S.; extending sovereign immunity to specified health care providers as agents of the state when providing emergency services pursuant to state and

federal imposed obligations; amending s. 768.77, F.S.; prescribing a method for itemization of specific categories of damages awarded in medical malpractice actions; amending s. 768.81, F.S.; requiring the trier of fact to apportion total fault solely among the claimant and joint tortfeasors as parties to an action; providing for severability; providing effective dates.

By the Committees on Comprehensive Planning; Regulated Industries; and Senator Constantine—

CS for CS for SB 574—A bill to be entitled An act relating to the Florida Building Code; providing requirements relating to regional emergency elevator access; requiring elevators in newly constructed or certain substantially renovated buildings to be keyed alike within each of the state emergency response regions; providing for these requirements to be phased in for certain existing buildings; restricting the duplication and issuance of master elevator keys; requiring the labeling of master elevator keys; allowing local fire marshals to allow substitute emergency measures for elevator access in certain circumstances; providing for appeal of the local fire marshal's decision; providing for the State Fire Marshal to enforce these provisions; encouraging builders to use applicable new technology to provide regional emergency elevator access; providing an exemption for certain buildings; amending s. 399.106, F.S.; revising the membership of the Elevator Safety Technical Advisory Committee; removing provisions terminating the committee; amending s. 633.171, F.S.; establishing penalties for unauthorized use of fireworks and pyrotechnic devices; providing an effective date.

By the Committees on Comprehensive Planning; Transportation; and Senators Geller, Klein, Villalobos, Dawson, Margolis, Wasserman Schultz, Campbell and Bullard—

CS for CS for SB 686—A bill to be entitled An act relating to public transit; amending s. 343.51, F.S.; providing a short title; amending s. 343.52, F.S.; revising definitions; amending s. 343.53, F.S.; disbanding the Tri-County Commuter Rail Authority and redesignating it as the South Florida Regional Transportation Authority; providing for a governing board of the authority; amending s. 343.54, F.S.; revising powers and duties of the authority with respect to planning and operating a transit system within a specified area of the state; requiring that the authority obtain consent prior to operating an existing system owned by another entity; authorizing the authority to expand its service area into counties contiguous to the service area of the authority under certain circumstances; providing employee rights; continuing the rights of employees to be represented by exclusive representatives; providing funding requirements; amending ss. 343.55, 343.56, 343.57, F.S.; providing for the authority to issue and pay revenue bonds; providing that the bonds are not debts or pledges of credit of the state; creating s. 343.58, F.S.; providing for dedicated funding from the counties served by the South Florida Regional Transportation Authority; specifying the amount of continuing funding required; providing a statement of important state interest; providing an effective date.

By the Committees on Appropriations; Governmental Oversight and Productivity; Education; and Senators Fasano and Dockery—

CS for CS for CS for SB 716—A bill to be entitled An act relating to instructional materials for K-12 public education; authorizing the Department of Education to conduct a pilot program; authorizing a pilot program within specified counties to enable selected school districts to realize cost savings in the purchase of used instructional materials; imposing requirements on the vendors of such materials; absolving the state from responsibility for certain financial losses; requiring the Council for Education Policy Research and Improvement to report to the Legislature; providing for future repeal; providing an effective date.

By the Committee on Commerce, Economic Opportunities, and Consumer Services; and Senators Wise, Bennett and Campbell—

CS for SB 718—A bill to be entitled An act relating to insurance; creating s. 255.0517, F.S.; defining terms; limiting the authority of cer-

tain public agencies to purchase owner-controlled-insurance programs for public construction projects; establishing purchase requirements; providing exemptions; creating s. 627.441, F.S.; requiring insurers issuing commercial general liability policies to offer coverage for completed operations liability for certain contractors to the extent that coverage is not provided under an owner-controlled-insurance program; providing an effective date.

By the Committee on Appropriations; and Senators Fasano and Argenziano—

CS for SB 726—A bill to be entitled An act relating to libraries; creating s. 257.193, F.S.; establishing the Community Libraries in Caring Program to assist libraries in certain rural communities; providing for administration by the Division of Library and Information Services within the Department of State; providing for rulemaking; providing an effective date.

By the Committees on Appropriations; Regulated Industries; and Senator Diaz de la Portilla—

CS for CS for SB 742—A bill to be entitled An act relating to the Florida Clean Indoor Air Act; implementing s. 20, Art. X of the State Constitution; reenacting s. 386.201, F.S., relating to a short title; amending s. 386.202, F.S.; providing legislative intent and findings; amending s. 386.203, F.S.; providing definitions; amending s. 386.204, F.S.; prohibiting smoking in certain places; requiring the posting of signs; creating s. 386.2045, F.S.; establishing specific exceptions where smoking is permitted; amending s. 386.205, F.S.; providing for designated smoking rooms; providing certain exceptions; requiring state agencies to adopt rules; amending s. 386.206, F.S.; providing requirements for the posting of signs in rooms designated as smoking rooms; amending s. 386.207, F.S.; providing for enforcement of the act by the Department of Business and Professional Regulation and the Department of Health; providing penalties; providing for the use of moneys collected as fines under the act; amending s. 386.208, F.S.; providing additional penalties; reenacting s. 386.209, F.S., relating to preemption by the state of the regulation of smoking; amending s. 386.211, F.S.; providing for announcements at certain facilities; amending s. 386.212, F.S.; prohibiting smoking near school property; creating s. 386.2125, F.S.; requiring the Department of Health to adopt rules; creating s. 386.213, F.S.; providing for effect of any invalidity of certain provisions; providing for severability; providing an effective date.

By the Committees on Appropriations; and Governmental Oversight and Productivity—

CS for CS for SB 958—A bill to be entitled An act relating to retirement; amending s. 121.051, F.S.; revising participation options for participants in the Community College Optional Retirement Program; amending s. 121.091, F.S.; revising certain limitations on positions for which a district school board may employ a member after a specified period of retirement; increasing the period of time in which certain members of the Florida Retirement System who are employed as instructional personnel in K-12 may participate in the deferred retirement option program; amending s. 121.71, F.S.; revising the payroll contribution rates for the Florida Retirement System; providing funding for benefit enhancements through the recognition of excess actuarial assets; providing legislative intent regarding other rate changes scheduled to take effect on July 1, 2003; amending s. 121.74, F.S.; reducing the assessment for administrative and educational expenses; providing that the act fulfills an important state interest; amending s. 121.40, F.S.; revising the payroll contribution rates for the supplemental retirement plan for the Institute of Food and Agricultural Sciences; amending s. 121.4501, F.S.; revising participation requirements in the Public Employee Optional Retirement Program for participants in the Community College Optional Retirement Program; amending s. 1012.875, F.S.; changing distribution options for participants in the Community College Optional Retirement Program; providing effective dates.

By the Committee on Commerce, Economic Opportunities, and Consumer Services; and Senator Garcia—

CS for SB 980—A bill to be entitled An act relating to the tax on sales, use, and other transactions; specifying a period during which the sale of school supplies or certain uniform school clothing shall be exempt from such tax; defining the term “school supplies” for purposes of the exemption; providing exceptions; providing for rules; providing a contingent effective date.

By the Committee on Criminal Justice; and Senators Garcia, Argenziano, Smith and Fasano—

CS for SB 1000—A bill to be entitled An act relating to the Criminal Justice Standards and Training Commission; amending s. 943.11, F.S.; revising the membership on the commission; revising certain qualifications for membership; amending s. 943.1395, F.S.; authorizing the commission to prescribe a range of disciplinary actions for certain offenses; specifying circumstances under which a probable cause panel may take additional disciplinary action than that prescribed by rule; providing for notification of officers; providing for continuation of service of commission chair; providing an effective date.

By the Committee on Criminal Justice; and Senator Atwater—

CS for SB 1078—A bill to be entitled An act relating to communications services; amending s. 812.15, F.S.; redefining the terms “cable operator” and “cable system”; defining the terms “communications device,” “communications service,” “communications service provider,” and “manufacture, development, or assembly of a communications device”; defining the term “multipurpose device”; prohibiting certain interception, reception, decryption, disruption, transmission, retransmission, or acquisition of access to described communications services and prohibiting assisting others in these acts; prohibiting the advertisement of communications devices for certain unlawful purposes; providing criminal and civil penalties; providing for actual and statutory damages; providing exceptions; providing an effective date.

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

CS for SB 1132—A bill to be entitled An act relating to workers' compensation; amending s. 20.13, F.S.; abolishing the Bureau of Workers' Compensation Insurance Fraud within the Department of Insurance; amending s. 20.201, F.S.; creating the Office of Workers' Compensation Insurance Fraud within the Department of Law Enforcement; amending s. 27.34, F.S.; requiring the Chief Financial Officer to contract with the state attorneys of specified judicial circuits to prosecute criminal violation of the Workers' Compensation Law and related crimes; requiring a report to the Legislature and the executive branch; amending s. 440.015, F.S.; providing legislative intent; amending s. 440.02, F.S.; defining and redefining terms; amending s. 440.05, F.S.; revising exemption requirements; amending s. 440.06, F.S.; specifying coverage requirements; amending s. 440.077, F.S.; revising exemption election; amending s. 440.09, F.S.; revising compensability eligibility standards; amending s. 440.10, F.S.; requiring all employers engaged in work in Florida to obtain a Florida policy; amending s. 440.1025, F.S.; providing workplace safety rulemaking authority; amending s. 440.103, F.S.; requiring certain proof of insurance when obtaining building permits; amending s. 440.104, F.S.; deleting certain limitations regarding recovery; amending s. 440.105, F.S.; modifying stop-work-order violations; amending s. 440.1051, F.S.; redesignating the Bureau of Workers' Compensation Insurance Fraud as the Office of Workers' Compensation Insurance Fraud; amending s. 440.107, F.S.; revising the compliance powers of the Department of Financial Services; authorizing agency rulemaking authority; clarifying department penalty calculation formulas; amending s. 440.12, F.S.; revising condensability eligibility timing; amending s. 440.125, F.S.; conforming departmental authority; amending s. 440.13, F.S.; redefining terms; establishing new standards of care; authorizing the adoption of practice parameters; revising standards and procedures for diagnosis and treatment; redefining standards of eligibility for medical treatment; establishing consent to peer review jurisdiction; creating the Health Care Oversight Board to assist in the establishment of practice parameters, auditing peer review organizations, and

certain other recommendations; eliminating independent medical examinations; revising the utilization review process; eliminating expert medical advisors; modifying standards for witness fees; revising departmental auditing standards and scope; authorizing a three-member panel to alter inpatient and outpatient reimbursement levels; revising prescription dispensing fee level; revising standards for authorization of physicians to render medical care; revising carrier obligations to pay health care providers; eliminating current practice parameters; amending s. 440.132, F.S.; revising departmental authority; repealing s. 440.134, F.S., relating to managed care; repealing s. 440.135, F.S., relating to pilot programs; amending s. 440.14, F.S.; revising calculations of average weekly wage; amending s. 440.15, F.S., revising permanent total disability indemnity reimbursement levels; defining sheltered employment; revising supplemental benefits; revising temporary total disability benefits eligibility and reimbursement levels; requiring a three-member panel to study a residual functional loss model for calculating permanent partial impairment awards; revising benefit calculation for permanent impairment benefits; eliminating permanent impairment supplemental benefits; increasing temporary partial disability benefits; repealing obligation to rehire section; amending s. 440.151, F.S.; revising the standard for establishing condensability of occupational diseases; creating s. 440.152, F.S.; establishing standard for computing fractions of a percent for determining benefits; amending s. 440.16, F.S.; increasing funeral and death benefits; amending s. 440.17, F.S.; revising departmental authority; amending s. 440.185, F.S.; revising presumption of condensability; modifying employer and carrier reporting standards; authorizing departmental rulemaking authority for carrier reporting standards; providing departmental penalty authority; enhancing departmental electronic data collection and processing; amending s. 440.191, F.S.; eliminating the Employment Assistance Office and establishing the Early Intervention Office; authorizing the Early Intervention Office to assist injured employees; amending s. 440.192, F.S.; modifying the dispute resolution process; creating the Claims Bureau to accept claims and adjudicate certain claims; creating the peer review panel process for adjudicating medical disputes; establishing timelines governing the peer review process; authorizing the department to contract with peer review organizations; revising the jurisdiction of judges of compensation claims; creating the Workers' Compensation Appellate Tribunal to hear appeals; revising the procedure for appeal to the First District Court of Appeal; amending s. 440.1925, F.S.; revising the procedure for resolving maximum medical improvement disputes; amending s. 440.20, F.S.; revising payment health care timelines by carriers; authorizing departmental rulemaking authority; authorizing departmental penalties; expanding departmental claims auditing authority; amending s. 440.24, F.S.; clarifying departmental authority; amending s. 440.25, F.S.; revising the mediation process; establishing judges of compensation claims' jurisdictional authority; establishing Workers' Compensation Appellate Tribunal rulemaking authority; clarifying appellate review rulemaking authority for appeals from the Workers' Compensation Appellate Tribunal; eliminating expert medical advisor physical examinations; amending s. 440.271, F.S.; revising the appellate jurisdiction of orders issued by judges of compensation claims; amending s. 440.2715, F.S.; expanding the use of a state video teleconferencing network; creating s. 440.2725, F.S.; providing appellate review of Workers' Compensation Appellate Tribunal orders to the First District Court of Appeal; amending s. 440.28, F.S.; allowing peer review panels to modify their orders in certain circumstances; repealing s. 440.29, F.S.; eliminating certain procedures before judges of compensation claims; amending s. 440.30, F.S.; providing that peer review panel members are not subject to deposition unless fraud has been implied; amending s. 440.32, F.S.; providing certain conforming changes dealing with costs in proceedings; amending 440.34, F.S.; revising the calculation for attorney's fees; providing when attorney's fees are due; clarifying judges of compensation claims jurisdictional issues pertaining to attorney's fees; amending s. 440.38, F.S.; modifying departmental authority over the Florida Self-Insurers Guaranty Association recommendations; amending s. 440.381, F.S.; providing the department additional payroll auditing responsibilities; amending 440.385, F.S.; clarifying appointment authority; providing conforming departmental cross-references; modifying departmental authority regarding employers who self-insure; amending s. 440.386, F.S.; providing conforming departmental cross-references; amending s. 440.40, F.S.; providing conforming departmental cross-references; amending s. 440.42, F.S.; providing certain workers' compensation insurance policy notice periods; amending s. 440.44, F.S.; providing certain Workers' Compensation Appellate Tribunal staffing levels; amending s. 440.442, F.S.; modifying the scope of the Code of Judicial Conduct; amending s. 440.45, F.S.; creating a Workers' Compensation Appellate

Tribunal in the Department of Management Services; providing an appointment method; providing jurisdictional authority; providing administrative authority; providing powers and duties; revising the statewide nominating commission membership and appointment methodology; providing appointment terms for appellate tribunal judges; creating s. 440.465, F.S.; establishing claims bureau personnel requirements; amending s. 440.49, F.S.; clarifying Special Disability Trust Fund assessment methodology; amending s. 440.50, F.S.; providing conforming departmental cross-references; amending s. 440.501, F.S.; providing conforming departmental cross-references; amending 440.51, F.S.; clarifying Workers' Compensation Administrative Trust Fund assessment methodology; amending ss. 440.515, 440.52, 440.59, 440.591, F.S.; providing conforming departmental cross-references; amending 440.593, F.S.; revising electronic reporting methodology and procedures; amending s. 443.036, F.S.; redefining the term "employee leasing company"; amending ss. 443.171, 443.1715, F.S.; amending provisions relating to records and reports; amending s. 626.989, F.S.; providing that the Office of Workers' Compensation Insurance Fraud has exclusive jurisdiction to investigate workers' compensation insurance fraud; conforming terminology; providing for contents of annual reports; amending s. 626.9891, F.S.; amending reporting requirements for insurers; providing penalties for noncompliance; amending s. 626.062, F.S.; amending criteria for filing with the department certain information relating to rates; amending s. 627.311, F.S.; revising Worker's Compensation Joint Underwriting Association board of governors membership and appointment method; revising tiering of subclasses; providing rating criteria; revising association procedures; revising assessment calculation methodology; amending s. 921.0022, F.S.; revising criminal punishment code to apply to workers compensation insurance fraud; amending s. 112.181, F.S.; revising requirements for medical reviews for certain types of workers; providing that the amendments to certain sections do not affect any determination of disability under other sections related to certain public officers and employees; requiring each workers' compensation insurer or a licensed rating organization to make a rate filing reflecting the anticipated savings of the act; specifying the effective date and requirements for such filings; providing that amendments to ss. 440.02 and 440.15, F.S., do not affect certain disability determinations; providing a type two transfer of certain full time employees' positions from the Division of Administrative Hearings of the Department of Management Services to the Department of Financial Services; transferring positions and providing appropriations from the Workers' Compensation Administration Trust Fund to state attorneys in specified judicial circuits and to the Department of Legal Affairs; transferring all powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of the Bureau of Workers' Compensation Fraud of the Division of Insurance Fraud from the Department of Financial Services to the Department of Law Enforcement and redesignating the bureau as the Office of Workers' Compensation Insurance Fraud; providing legislative intent to create a state mutual insurance fund for workers' compensation, under certain circumstances; providing an effective date.

By the Committees on Appropriations; Governmental Oversight and Productivity; and Senator Clary—

CS for CS for SB 1138—A bill to be entitled An act relating to construction monitoring and inspection services; amending s. 768.28, F.S.; providing that professional firms under contract with the Department of Transportation to provide specified construction monitoring and inspection services are agents of the state for purposes of sovereign immunity; providing for indemnification; providing that such agents are not employees or agents of the state for purposes of chapter 440, F.S.; providing that the act does not apply to such a firm or its employees if an accident occurs while an employee is operating a vehicle or to a firm providing design or construction services; providing an effective date.

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

CS for SB 1186—A bill to be entitled An act relating to court costs; creating s. 938.20, F.S.; providing funding for drug court programs through the assessment of an additional mandatory court cost; providing for the assessment to be imposed by ordinance against persons convicted of a criminal violation, a violation of a municipal or county ordinance, or traffic violation resulting in payment of a fine or penalty; providing

for the collection and deposit of the assessment; providing for administration of the funds; providing an effective date.

By the Committee on Appropriations; and Senators Villalobos, Miller, Campbell, Argenziano, Fasano, Bullard, Margolis, Aronberg, Atwater, Peaden, Lawson, Siplin, Smith, Diaz de la Portilla, Constantine and Hill—

CS for SB 1214—A bill to be entitled An act relating to the Florida Civil Rights Act of 1992; creating s. 760.021, F.S.; authorizing the Attorney General to commence a civil action against a person or group perpetuating discriminatory practices; providing for damages, injunctive relief, and civil penalties; providing for attorney's fees and costs; providing for a deposit of civil penalties into General Revenue Fund; amending s. 16.57, F.S.; authorizing the Attorney General to investigate violations under the Florida Civil Rights Act of 1992; conforming statutory cross-references to the Attorney General's authority to investigate and initiate actions for discriminatory practices in violation of civil rights; amending ss. 110.105, 110.233, 112.042, and 760.10, F.S.; revising provisions relating to state employment policy, career service appointments, and county and municipal employment practices, to provide that discrimination on the basis of sex includes discrimination on the basis of pregnancy, childbirth, or related medical conditions; reenacting ss. 104.31(3) and 760.11(15), F.S., to incorporate amendments to ss. 110.233 and 760.10, F.S., in references thereto; providing effective dates.

By the Committees on Appropriations; Health, Aging, and Long-Term Care; and Senators Bennett and Fasano—

CS for CS for SB 1252—A bill to be entitled An act relating to nursing homes; creating s. 400.244, F.S.; allowing nursing homes to convert beds to alternative uses as specified; providing restrictions on uses of funding under assisted-living Medicaid waivers; providing procedures; providing for the applicability of certain fire and life safety codes; providing applicability of certain laws; requiring a nursing home to submit to the Agency for Health Care Administration a written request for permission to convert beds to alternative uses; providing conditions for disapproving such a request; providing for periodic review; providing for retention of nursing home licensure for converted beds; providing for reconversion of the beds; providing applicability of licensure fees; requiring a report to the agency; amending s. 400.021, F.S.; redefining the term "resident care plan," as used in part I of ch. 400, F.S.; amending s. 400.23, F.S.; providing that certain information from the Agency for Health Care Administration must reflect final agency actions; amending s. 400.141, F.S.; amending the description of the information required to be kept in a nursing home resident's medical record; amending s. 400.211, F.S.; revising inservice training requirements for persons employed as nursing assistants in a nursing home facility; amending s. 408.034, F.S.; specifying the district average occupancy rate in the agency's rulemaking authority for nursing-home-bed-need methodology; amending s. 408.036, F.S.; providing for additional projects that are subject to expedited review; establishing the agency's rulemaking authority to implement provisions for expedited review; deleting obsolete dates; providing for additional projects that are exempt from review; amending s. 408.037, F.S.; providing that an audited financial statement of the parent company may be used to fulfill an application for a certificate of need; providing an effective date.

By the Committee on Education; and Senators Aronberg and Saunders—

CS for SB's 1254 and 1662—A bill to be entitled An act relating to school district and charter school employees and contractors; amending s. 1012.32, F.S.; requiring both instructional and noninstructional personnel of charter schools to file fingerprints with the school board of the district within which the charter school is located; providing that contractors have the same probationary status as employees; providing duties of the Department of Law Enforcement with respect to retention and search of fingerprint records submitted on behalf of school employees and contractors; providing duties of school districts and charter schools; providing for fees; providing an effective date.

By the Committees on Appropriations; Agriculture; and Senator Alexander—

CS for CS for SB 1300—A bill to be entitled An act relating to citrus; amending s. 403.08725, F.S.; redefining the terms "new sources" and "existing sources"; amending permitted emissions limits; providing for the Department of Environmental Protection to develop, by a specified deadline, management practices to prevent or minimize certain pollutants that are not specifically named in this section; postponing the date by which certain actions must be accomplished; providing specific contents of rules adopted by the department; providing additional emissions limits; providing for the expiration of the program created under this section; providing prerequisites to salary adjustments for certain employees of the Department of Citrus; requiring the Department of Citrus to publish an annual travel report; providing requirements for the contents of that report; repealing s. 581.1845, F.S., relating to citrus canker eradication and compensation to homeowners; providing an effective date.

By the Committees on Appropriations; Natural Resources; and Senators Alexander and Dockery—

CS for CS for SB 1312—A bill to be entitled An act relating to phosphate mining; amending s. 211.3103, F.S.; amending the tax on phosphate rock; providing for the distribution of tax proceeds; deleting obsolete language; amending s. 378.021, F.S.; directing the Department of Environmental Protection to amend the master reclamation plan; amending s. 378.031, F.S.; providing additional intent concerning reclamation activities; amending s. 378.035, F.S.; amending authorized uses of funds deposited in the Nonmandatory Land Reclamation Trust Fund; removing requirements for a reserve; limiting reclamation expenditures for fiscal year 2003-2004; amending s. 378.036, F.S.; creating a not-for-profit partnership to assist in phosphate reclamation; providing duties of the partnership; providing for the administration of partnership funds; providing an appropriation; amending s. 378.212; providing authority for a variance for certain reclamation activities; amending s. 403.4154, F.S.; providing criminal penalties for certain violations; prohibiting the distribution of certain company assets under certain circumstances; providing for the declaration of an imminent hazard if certain financial conditions exist; providing limited liability for entities assisting in the abatement of imminent hazards; amending a provision granting certain rebates of phosphate fees; amending s. 403.4155, F.S.; directing that rules be developed for financial assurance, interim stack management, and stack closure; requiring the Department of Environmental Protection to conduct a study; providing funds for the study; providing for the transfer of certain funds from the P-2000 and Florida Forever Debt Service Reserve Fund; providing for the funding of a study by the Florida Institute of Phosphate Research; providing an effective date.

By the Committees on Appropriations; Children and Families; and Senators Wilson, Miller, Dawson, Lynn, Lawson and Campbell—

CS for CS for SB 1318—A bill to be entitled An act relating to the safety of children; providing a short title; providing legislative intent; requiring the Department of Children and Family Services to notify certain education or child care programs of the enrollment of certain children; requiring children enrolled in an early education or child care program to participate 5 days a week; providing attendance and reporting responsibilities of the child's parent or guardian and of the Family Safety Program Office of the Department of Children and Family Services; requiring a report to law enforcement agencies if a child is missing; amending s. 411.01, F.S.; conforming provisions; providing an effective date.

By the Committee on Transportation; and Senator Wilson—

CS for SB 1326—A bill to be entitled An act relating to road designations; designating "Jean-Jacques Dessalines Boulevard" in Miami-Dade County; designating "Toussaint L'Ouverture Boulevard" in Miami-Dade County; designating "Frederick Douglass Boulevard" in Miami-Dade County; designating Miami Gardens Drive as the "Ronald A. Silver Boulevard"; designating "Alexandre Petion Boulevard" in Miami-Dade County; designating "Lawton Chiles Boulevard" in Miami-Dade County;

designating "George Gill Boulevard" in Miami-Dade County; designating "James Weldon Johnson Boulevard" in Miami-Dade County; designating "T. Stewart Greer Boulevard" in Miami-Dade County; directing the Department of Transportation to erect suitable markers; providing an effective date.

By the Committees on Comprehensive Planning; Criminal Justice; and Senator Bennett—

CS for CS for SB 1350—A bill to be entitled An act relating to civil penalties; amending s. 318.21, F.S.; requiring the use of civil penalties to fund local law enforcement automation under certain circumstances; providing applicability; providing an effective date.

By the Committees on Governmental Oversight and Productivity; Home Defense, Public Security, and Ports; and Senator Bennett—

CS for CS for SB 1362—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; creating an exemption from public-records requirements to include building plans, blueprints, schematic drawings, and diagrams held by a public agency and relating to specified facilities, developments, and structures; providing exceptions; providing for legislative review and repeal; providing definitions; providing a statement of public necessity; providing an effective date.

By the Committees on Commerce, Economic Opportunities, and Consumer Services; Regulated Industries; and Senator Clary—

CS for CS for SB 1382—A bill to be entitled An act relating to contracting; amending ss. 489.128, 489.532, F.S.; clarifying that the prohibition on enforcement of construction contracts extends only to enforcement by the unlicensed contractor; clarifying the specific licensure status required and timing of licensure for purposes of determining the enforceability of a construction contract; clarifying the effect of an unenforceable contract on other contracts and obligations; clarifying that unlicensed contractors have no lien or bond rights; clarifying that sureties of unlicensed contractors have continuing bond obligations; amending s. 713.02, F.S., relating to liens for unlicensed contractors or subcontractors to conform; amending s. 489.113, F.S.; revising and clarifying the scope of work that may be performed by a licensed contractor; amending s. 489.117, F.S.; specifying conditions under which a person may perform specialty contracting services without obtaining a local professional license; amending ss. 489.119, 489.521, F.S.; revising license requirements for certain business organizations engaging in contracting; providing for retroactive application; providing legislative intent; amending s. 489.103, F.S.; exempting certain persons licensed under the fire prevention and control law from regulation under the contracting law; providing severability; providing an effective date.

By the Committees on Governmental Oversight and Productivity; and Children and Families—

CS for SB 1444—A bill to be entitled An act relating to public records; amending s. 409.175, F.S.; creating an exemption for certain information held by the Department of Children and Family Services, the Department of Health, and the fire inspector concerning licensed family foster homes and applicants for such licensure; exempting the names of minor children and household members, information that would identify neighbors, and medical records and medical information from public disclosure; providing for the release of certain information after a specified period if the information concerns an applicant for licensure or concerns a foster parent who does not become an adoptive parent and no longer cares for foster children; providing for future legislative review and repeal; providing a statement of public necessity; providing an effective date.

By the Committees on Appropriations; Comprehensive Planning; and Senators Atwater, Dawson, Bennett, Geller, Peaden, Fasano, Lee, Clary, Campbell, Saunders, Siplin, Bullard, Klein, Aronberg and Wilson—

CS for CS for SB 1454—A bill to be entitled An act relating to local government funding; creating the "Local Funding Revenue Maximization Act"; providing legislative intent; defining the term "agency" for purposes of the act; providing requirements for state agencies that provide health services, social services, or human services; providing requirements for the use of certain public revenues as local matching funds and for the uses of federal reimbursements received as a result of the certification of local matching funds; providing for agreements between agencies and local political subdivisions; requiring agencies and local political subdivisions to cooperate in modifying state plans and in seeking and implementing any necessary federal waivers; providing for administrative costs; providing for interest on certain unpaid funds; requiring agencies to submit annual reports to the Governor and to legislative leaders; providing an effective date.

By the Committee on Commerce, Economic Opportunities, and Consumer Services; and Senator Bennett—

CS for SB 1464—A bill to be entitled An act relating to mutual insurance holding companies; amending s. 628.703, F.S.; providing a definition; amending ss. 628.709 and 628.727, F.S.; revising membership criteria of mutual insurance holding companies; amending ss. 628.729, 628.730, and 628.733, F.S.; specifying basis of distributive shares and corporate equity of members under certain circumstances; providing an effective date.

By the Committees on Appropriations; Finance and Taxation; and Senator Smith—

CS for CS for SB 1492—A bill to be entitled An act relating to the judicial system; amending s. 25.384, F.S.; expanding the use of the Court Education Trust Fund; amending s. 27.562, F.S.; providing for disposition of funds; amending s. 28.101, F.S.; increasing the service charge for filing for dissolution of marriage; transferring, renumbering, and amending s. 43.195, F.S.; authorizing a clerk to dispose of items of physical evidence in cases where no collateral attack is pending; amending s. 28.24, F.S.; prohibiting the clerk of the court from charging court officials for copies of public records; modifying the service charges for services rendered by the clerk of the court in recording documents and instruments and in performing certain other duties; eliminating the charge for issuing jury summons; amending s. 28.241, F.S.; increasing the service charge for filing a civil action in circuit court; requiring that a portion of the charge be remitted to the General Revenue Fund and to the Court Education Trust Fund; requiring that a portion of the charge be remitted to the Clerk of the Court Operations Conference Operating Fund and the Clerk of the Court Operations Conference Contingency Fund; providing a filing fee for reopening a civil action or proceeding; providing for a reduction in the fee for a petition to modify a final judgment of dissolution; increasing other service charges; deleting provisions authorizing a county to assess amounts in excess of specified service charges; prohibiting additional service charges or fees; increasing the service charge for instituting an appellate proceeding; amending s. 28.2401, F.S.; increasing various service charges for probate matters; prohibiting county governing authorities from imposing additional charges; creating s. 28.2402, F.S.; imposing a fee on a county or municipality for filing municipal code or ordinance violation in civil court; creating s. 28.246, F.S.; requiring the clerk of the circuit court to report to the Legislature the total amount of service charges and fees assessed, waived, and collected; authorizing partial payment of court-related fees to the clerk; providing a distribution order for collected charges and fees; authorizing clerks of the court to refer unpaid collections to a private attorney; creating s. 28.35, F.S.; establishing the Clerk of the Court Operations Conference; providing membership; requiring the conference to recommend changes in the service charges and fees to the Legislature; requiring the conference to review revenues and approve budgets and determine payments to clerks of the court; providing for a clerk education program; requiring a recommendation for a statewide case information system; requiring the Florida Association of Court Clerks to establish a depository for funds to pay for the operation of the Clerk of Court Operations Conference and for payments if a clerk's expenditures exceed

revenues; creating s. 28.36, F.S.; requiring the clerks of the circuit court to provide a balanced budget to the Clerk of Court Operations Conference; requiring a special budget for a specified period; authorizing clerks to maintain a reserve; limiting the annual increase in the budget for the clerks of the circuit court; creating s. 28.37, F.S.; providing for revenues collected by the clerk in excess of a certain amount to be remitted to the state to pay the costs of the state court system; requiring the Department of Revenue to adopt rules; amending s. 34.032, F.S.; requiring that certain functions of the deputy clerk of the court be funded by the county; amending s. 34.041, F.S.; increasing the initial filing fees for instituting various civil actions; providing for distribution of the proceeds of the filing fees; prohibiting counties from assessing additional service charges or fees; deleting provisions authorizing the judge to waive the service charge for a civil action; requiring counties and municipalities to pay a service charge for instituting an appellate proceeding; deleting a service charge assessed against plaintiffs; amending s. 34.191, F.S.; requiring that certain fines and forfeitures be remitted to the clerk of the court rather than the county; authorizing the clerk rather than the board of county commissioners to assign the collection of charges and fines to a private attorney or collection agency; amending s. 44.108, F.S.; deleting provisions authorizing a county to levy service charges for court mediation and arbitration; assessing a filing fee on court proceedings; depositing fees in the Mediation and Arbitration Trust Fund; amending s. 55.505, F.S.; increasing the service charge for recording a foreign judgment; amending s. 55.10, F.S.; increasing the fee for serving a certificate of lien; creating s. 55.312, F.S.; imposing a service charge on certain money judgments and settlement agreements in excess of a specified amount, except for dissolution of marriage and breaches of contract; requiring proceeds of the charge to be used to pay court costs; providing for the service charge to be paid by any party or allocated to more than one party; requiring the Department of Revenue to adopt rules to provide for remitting such charge to the department for deposit into the General Revenue Fund; prohibiting an attorney from disbursing certain proceeds until service charge is paid; providing a penalty for failure to pay the service charge; requiring the Department of Revenue to report to the Legislature each year on the amount received in the prior calendar year; amending s. 61.14, F.S.; increasing certain fees assessed for delinquency of child support and alimony; amending s. 142.01, F.S.; providing for the clerk of the court to establish a fine and forfeiture fund in each county to be used to pay the costs of court-related functions; deleting provisions authorizing counties to receive funds to pay the cost of criminal prosecutions and transfer excess funds to the county general fund; amending s. 142.02, F.S.; limiting the use of county funds from a levy of a special tax to pay for the cost of criminal prosecutions; amending s. 142.03, F.S.; requiring that fines and forfeitures be used to pay the costs of court-related functions; amending s. 142.15, F.S.; requiring that fees collected by the sheriff be remitted to the clerk in the county where the crime was alleged to have been committed; amending s. 142.16, F.S.; requiring that fines and forfeitures be remitted to the clerk in the county in which the case was adjudicated; amending s. 145.022; prohibiting a county from appropriating a salary to the clerk of the court based on the fees collected; amending s. 212.20, F.S.; revising the distribution of the proceeds from certain local-option taxes; amending s. 218.21, F.S.; revising the guaranteed entitlement of municipalities to certain state revenue sharing; amending s. 218.35, F.S.; deleting provisions requiring the clerk of the court to file a budget with the state court administrator and the board of county commissioners; amending s. 318.15, F.S.; increasing various fees for persons failing to comply with civil penalties, attend driver improvement school, or appear at a hearing; amending s. 318.18, F.S.; increasing various fees for penalties for noncriminal dispositions; creating additional charges and fees to be paid to the clerk of the court; increasing the fee to dismiss citations and the administrative fee for cases in which adjudication is withheld; amending s. 318.21, F.S.; increasing the portion of civil penalties which are paid to the clerk of the court; amending s. 322.245, F.S.; increasing the delinquency fee for persons charged with specified criminal offenses who fail to comply with the directives of the court; amending s. 327.73, F.S.; increasing the charge for court costs for failure to comply with the court's requirements or failure to pay specified civil penalties; amending s. 382.023, F.S.; increasing the fee for dissolution of marriage; increasing the portion to be retained by the circuit court and the portion remitted to the state; amending s. 713.24, F.S.; increasing the fee for certain services performed by the clerk of the court in transferring liens; amending s. 744.3135, F.S.; increasing the fee paid to the clerk of the court for processing guardian files; amending s. 744.365, F.S.; increasing the fee paid to the clerk of the court for an inventory filed by a guardian; deleting provisions requiring that the county pay the auditing fee when such fee is waived by the court; amending s. 744.3678, F.S.; increasing the fees

paid by the guardian to the clerk of the court for filing an annual financial return; prohibiting the clerk of the circuit court from billing the county for a waived fee; creating s. 921.26, F.S.; requiring that certain court costs be collected before any other court cost; creating s. 938.02, F.S.; imposing a court cost against persons who plead guilty or nolo contendere, or who are convicted of any felony, misdemeanor, or criminal traffic offense; prohibiting the court from waiving the court cost; authorizing the collection of unpaid court costs from any moneys or accounts of incarcerated persons; requiring all other court costs to be remitted to the Department of Revenue for deposit in the General Revenue Fund; amending s. 938.07, F.S.; increasing the court cost added to fines imposed for driving or boating under the influence; providing for deposit and distribution of the proceeds to Level II trauma centers; amending s. 938.35, F.S.; authorizing the clerk of the court, rather than the county, to collect fines, court costs, and other charges through a private attorney or collection agent; amending ss. 26.012, 27.06, 34.01, 48.20, 316.635, 373.603, 381.0012, 450.121, 560.306, 633.14, 648.44, 817.482, 828.122, 832.05, 876.42, 893.12, 901.01, 901.02, 901.07, 901.08, 901.09, 901.11, 901.12, 901.25, 902.15, 902.17, 902.20, 902.21, 903.03, 903.32, 903.34, 914.22, 923.01, 933.01, 933.06, 933.07, 933.10, 933.101, 933.13, 933.14, 939.02, 939.14, 941.13, 941.14, 941.15, 941.17, 941.18, 947.141, 948.06, 985.05, F.S., relating to various court procedures; redesignating "magistrates" as "trial court judges"; amending ss. 56.071, 56.29, 61.1826, 64.061, 65.061, 69.051, 70.51, 92.142, 112.41, 112.43, 112.47, 162.03, 162.06, 162.09, 173.09, 173.10, 173.11, 173.12, 194.013, 194.034, 194.035, 206.16, 207.016, 320.411, 393.11, 394.467, 397.311, 397.681, 447.207, 447.403, 447.405, 447.407, 447.409, 475.011, 489.127, 489.531, 496.420, 501.207, 501.618, 559.936, 582.23, 631.182, 631.331, 633.052, 744.369, 760.11, 837.011, 838.014, 839.17, 916.107, 938.30, 945.43, F.S., relating to various administrative and judicial proceedings; redesignating "masters" and "general or special masters" as "general or special magistrates"; repealing ss. 142.04, 142.05, 142.06, 142.07, 142.08, 142.09, 142.10, 142.11, 142.12, 142.13, and 939.18, F.S., relating to compensation to witnesses and others from the fine and forfeiture fund and the imposition of additional court costs used by the county in paying for court facilities; providing effective dates.

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

CS for CS for SB 1520—A bill to be entitled An act relating to state universities; amending s. 17.076, F.S.; providing an exception to a public-records exemption; requiring a state university to maintain confidentiality of certain records; amending s. 110.161, F.S.; defining employee for purposes of the pretax benefits program to include state university employees; amending s. 112.215, F.S.; defining employee for purposes of the deferred compensation program to include employees of the state university board of trustees; amending s. 287.064, F.S.; authorizing the participation of state universities in consolidated financing of deferred-payment purchases; amending s. 440.38, F.S.; providing that a state university is a self-insurer for purposes of workers' compensation coverage; amending s. 1001.71, F.S.; revising membership and terms of office of the university boards of trustees; amending s. 1001.74, F.S.; providing that Department of Management Services retains authority over state university employees for purposes of the pretax benefits program; amending s. 1004.24, F.S.; providing for a financial audit pursuant to s. 11.45, F.S., for the self-insurance program; amending s. 1009.21, F.S.; revising criteria to establish residency for tuition purposes; revising criteria for reclassification of residency for tuition purposes; establishing the Board of Governors; providing membership and terms of office; providing for members to be reimbursed for travel and per diem expenses; creating s. 1010.10, F.S.; creating the Florida Uniform Management of Institutional Funds Act; providing definitions; providing for expenditure of endowment funds by a governing board; providing for a standard of conduct; providing investment authority; providing for delegation of investment management; providing for investment costs; providing for uniformity of application and construction; creating s. 1004.383, F.S.; authorizing a chiropractic medicine degree program at Florida State University; creating s. 460.4062, F.S.; authorizing the Department of Health to issue a chiropractic medicine faculty certificate for a certain chiropractic faculty; authorizing a fee; providing requirements; providing for renewal and expiration of certificates; requiring the University of South Florida and the University of Central Florida to play college football; repealing s. 1001.71(1), (3), and (4), relating to a state university board of trustees; providing an effective date.

By the Committee on Commerce, Economic Opportunities, and Consumer Services; and Senators Villalobos and Fasano—

CS for SB 1530—A bill to be entitled An act relating to fraud prevention; creating the Fraud Prevention Unit within the Office of the Attorney General to improve and coordinate the state's response to fraud and related crimes; requiring the Fraud Prevention Unit to establish a State-wide Complaint Receipt and Referral Center to collect, refer, and analyze information concerning fraud; specifying goals of the center; specifying responsibilities of the Fraud Prevention Unit; providing requirements for projects supported by the Fraud Prevention Unit; requiring the unit to develop public information programs and establish recommended training curricula; authorizing the Attorney General to use volunteers; providing that volunteers are exempt from liability under the Florida Volunteer Protection Act; requiring the Fraud Prevention Unit to coordinate its investigations with other law enforcement agencies and victim assistance programs; requiring the unit to use services of the Federal Trade Commission; requiring that the unit avoid duplicating services but communicate the availability of those services; providing for the use of donated funds and resources; authorizing state agencies and local businesses to assign employees to assist the unit; authorizing the unit to assist victims in correcting credit reports or other identifying information; prohibiting the unit from providing legal representation to victims of fraud; providing an effective date.

By the Committees on Governmental Oversight and Productivity; Children and Families; and Senator Lynn—

CS for CS for SB 1556—A bill to be entitled An act relating to independent living transition services; amending s. 409.1451, F.S.; abolishing the Independent Living Services Transition Workgroup; deleting the report required by the Independent Living Services Transition Workgroup; establishing the Independent Living Services Workgroup; providing for the activities of the Independent Living Services Workgroup; providing for the Independent Living Services Workgroup to report to the Senate and the House of Representatives; providing that property acquired on behalf of a client receiving independent living transition services is the property of the client; providing that the rules are to balance normalcy and safety for the youth; providing an effective date.

By the Committee on Home Defense, Public Security, and Ports; and Senator Dockery—

CS for SB 1612—A bill to be entitled An act relating to the Chief of Domestic Security Initiatives; amending s. 943.0311, F.S.; providing for security assessments of all buildings, facilities, and structures owned or occupied by state agencies, state universities, and community colleges, by the employees and within existing resources of such state agencies, state universities, or community colleges; requiring completion of initial security assessments by a specified date; providing for subsequent security assessments; providing for reports; requiring the chief to communicate to local governments regarding security assessments of buildings and facilities; providing that costs of security assessments of local government buildings and facilities shall be borne by the local government; providing an effective date.

By the Committees on Criminal Justice; Health, Aging, and Long-Term Care; and Senators Margolis, Dawson, Bullard, Posey, Fasano, Miller, Garcia, Campbell, Peaden, Hill and Klein—

CS for CS for SB 1626—A bill to be entitled An act relating to weight-loss pills; defining the term "weight-loss pill"; prohibiting the sale or other transfer of weight-loss pills to minors; providing a defense; requiring establishments selling such pills at retail to post notice that such sale is unlawful; providing penalties; providing an effective date.

By the Committees on Comprehensive Planning; Agriculture; and Senators Argenziano, Alexander, Dockery, Peaden, Lynn, Webster, Bennett, Fasano, Posey, Smith, Bullard and Lee—

CS for CS for SB 1660—A bill to be entitled An act relating to the use of farm lands; creating s. 163.3162, F.S.; providing a short title; providing legislative findings and purpose with respect to agricultural activities and duplicative regulation; defining the terms "farm," "farm operation," and "farm product" for purposes of the act; prohibiting a county from adopting any ordinance, resolution, regulation, rule, or policy to prohibit or otherwise limit a bona fide farm operation on land that is classified as agricultural land under s. 193.461, F.S.; providing that the act does not limit the powers of a county under certain circumstances; clarifying that a farm operation may not expand its operations under certain circumstances; providing that the act does not limit the powers of certain counties; providing that certain county ordinances are not deemed to be a duplication of regulation; providing an effective date.

By the Committee on Appropriations; and Senator Cowin—

CS for SB 1690—A bill to be entitled An act relating to education; amending s. 1007.271, F.S., relating to dual enrollment programs; authorizing the Commissioner of Education to encourage the use of accelerated education mechanisms; requiring audits to determine a school district's compliance with requirements pertaining to student access and notification; requiring the State Board of Education to reduce a district's discretionary appropriation if the district is not in compliance as required; amending s. 1011.62, F.S.; requiring students enrolled in community college or university dual enrollment instruction to be included in calculations of full-time equivalent student memberships for certain programs; providing for funding dually enrolled high school students; providing requirements for calculating the disbursement amount to postsecondary institutions; providing an effective date.

By the Committee on Health, Aging, and Long-Term Care; and Senator Jones—

CS for SB 1714—A bill to be entitled An act relating to optometry; requiring the Division of Medical Quality Assurance of the Department of Health to conduct a study of clinical and academic training requirements of certified optometric practitioners; providing for appointment of members; requiring a report to be submitted to the Governor and Legislature; providing an effective date.

By the Committees on Comprehensive Planning; Transportation; and Senators Webster and Constantine—

CS for CS for SB 1720 and CS for SB 2572—A bill to be entitled An act relating to the Central Florida Regional Transportation Authority; amending s. 343.63, F.S.; revising membership of the governing board of the authority; providing an effective date.

By the Committee on Health, Aging, and Long-Term Care; and Senator Fasano—

CS for SB 1738—A bill to be entitled An act relating to prescriptions for medicinal drugs; creating s. 456.0392, F.S.; requiring certain practitioners to include specified information on prescriptions; providing that certain prescriptions shall be presumed valid; providing an effective date.

By the Committees on Finance and Taxation; Transportation; and Senator Sebesta—

CS for CS for SB 1752—A bill to be entitled An act relating to the Department of Transportation; creating s. 215.617, F.S.; authorizing the department to issue revenue bonds financed by the repayment of loans from the state-funded infrastructure bank; amending s. 334.30, F.S.; providing for public-private partnership agreements for transportation

facilities without prior legislative approval; authorizing the department to adopt rules; providing requirements for projects advanced by a public-private partnership or private entity; authorizing the department to request proposals; requiring notice; providing requirements for ranking proposals; amending s. 338.165, F.S.; authorizing the department to request the Division of Bond Finance to issue bonds secured by toll revenues collected on the Beeline-East Expressway, the Sunshine Skyway Bridge, and the Pinellas Bayway toll facilities to provide funding for transportation projects on the State Highway System in the counties in which the projects are located; amending s. 338.2275, F.S.; increasing the cap on the amount of bonds that may be issued to fund approved turnpike projects; amending s. 338.235, F.S.; authorizing the turnpike enterprise to secure products, business opportunities, and services by competitive solicitation; amending s. 335.02, F.S.; defining the term "jurisdiction and control"; providing that local governmental ordinances and regulations are not applicable to state projects to build designated transportation facilities to the extent of any conflict with a rule of the Department of Transportation; providing an effective date.

By the Committees on Criminal Justice; Education; and Senator Hill—

CS for CS for SB 1788—A bill to be entitled An act relating to student athletes; creating s. 877.135, F.S.; prohibiting the giving or offering of inducements to certain student athletes for the purpose of encouraging such athlete to attend or not attend certain academic institutions, to become a professional athlete, or to endorse products or commercial establishments; providing exceptions; providing penalties; providing an effective date.

By the Committee on Education; and Senators Diaz de la Portilla, Wilson, Villalobos, Margolis, Hill and Dawson—

CS for SB's 1852, 1628 and 2344—A bill to be entitled An act relating to determination of resident status for tuition purposes; amending s. 1009.21, F.S.; classifying specified students as residents for tuition purposes; classifying certain liaison officers and their spouses and dependent children as residents for tuition purposes; providing an effective date.

By the Committees on Finance and Taxation; Regulated Industries; and Senators Diaz de la Portilla and Geller—

CS for CS for SB 1920—A bill to be entitled An act relating to video lotteries; amending s. 24.103, F.S.; providing definitions; amending s. 24.105, F.S.; providing powers and duties of the Department of the Lottery pertaining to video lottery games; providing for an annual fee; providing for disposition of the fee; creating s. 24.125, F.S.; providing for the adoption of rules; creating s. 24.126, F.S.; prohibiting certain persons from playing video lottery games; creating s. 24.127, F.S.; providing requirements for the operation of video lottery games; providing a payout percentage; providing for distribution of income; providing for weekly allocations; providing penalties; creating s. 24.128, F.S.; providing for the licensure of video lottery terminal vendors; creating s. 24.129, F.S.; prohibiting certain local zoning ordinances; creating s. 24.130, F.S.; providing requirements for video lottery terminals; creating s. 24.131, F.S.; requiring video lottery terminal vendors to establish training programs for employees who service such terminals; requiring departmental approval of such programs; providing certification requirements for such employees; providing for the adoption of rules; creating s. 24.132, F.S.; providing for distribution of proceeds from the Video Lottery Purse Trust Fund; providing for the adoption of rules; creating s. 24.133, F.S.; requiring operators of facilities where video lottery games are conducted to post certain warning signs regarding compulsive gambling; amending s. 212.02, F.S.; excluding video lottery terminals from the definition of "coin-operated amusement machine" for purposes of the sales and use tax; creating s. 24.134, F.S.; establishing programs for compulsive gambling within the Department of Children and Family Services; creating s. 24.136, F.S.; authorizing a caterer's license for video lottery retailers; providing an effective date.

By the Committee on Finance and Taxation; and Senator Dockery—

CS for SB 1944—A bill to be entitled An act relating to mobile home owners; amending s. 48.183, F.S.; providing for service of process in an action for possession of residential premises; creating s. 320.08015, F.S.; providing for a license tax surcharge for deposit in the Florida Mobile Home Relocation Trust Fund; amending s. 320.081, F.S.; conforming to the act; amending s. 715.101, F.S.; including a reference to chapter 723, F.S., in the Disposition of Personal Property Landlord and Tenant Act; amending s. 723.007, F.S.; providing a surcharge under the Florida Mobile Home Act on certain mobile home lots for deposit in the Florida Mobile Home Relocation Trust Fund; amending s. 723.023, F.S.; authorizing mobile home park owners to charge a fee for the cost of cleanup or repair of a mobile home or lot under certain circumstances; amending s. 723.037, F.S.; prohibiting the filing of certain actions in circuit court in the event that a request for mediation has not been filed; amending s. 723.041, F.S.; providing for the placement of any size used or new mobile home on a mobile home lot under certain circumstances; amending s. 723.061, F.S.; revising language to include reference to the eviction of a mobile home tenant or a mobile home occupant; amending s. 723.0611, F.S.; providing that persons who receive compensation from the Florida Mobile Home Relocation Corporation shall not have a claim or cause of action against the corporation or the park owner under certain circumstances; amending s. 723.06115, F.S.; revising language with respect to the Florida Mobile Home Relocation Trust Fund; providing reference to the deposit of certain surcharges into the trust fund; amending s. 723.06116, F.S.; increasing certain fees; providing an additional situation in which a mobile home park owner is not required to make certain payments and is not entitled to certain compensation from the Florida Mobile Home Relocation Corporation; amending s. 723.0612, F.S.; revising language with respect to compensation from the Florida Mobile Home Relocation Corporation; providing an effective date.

By the Committee on Commerce, Economic Opportunities, and Consumer Services; and Senator Wise—

CS for SB 1948—A bill to be entitled An act relating to dissolution of corporations; creating s. 607.1407, F.S.; providing procedures and requirements for administration of unknown claims against dissolved corporations; providing conditions under which certain claims are barred; providing an effective date.

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

CS for CS for SB 2006—A bill to be entitled An act relating to educator certification and discipline; amending s. 1012.56, F.S.; prescribing an affidavit for educator certification eligibility requirements; creating s. 1012.561, F.S.; requiring certain certified educators and applicants for certification as an educator to notify the employing school district of any change of address; requiring the school district to notify the Bureau of Educator Certification of the change of address; authorizing service by regular mail for certain purposes; amending s. 1012.79, F.S.; amending the number of members required for certain panels of the Education Practices Commission; amending s. 1012.795, F.S., relating to the Education Practices Commission's authority to discipline; revising grounds for discipline; providing penalties; amending s. 1012.796, F.S.; requiring certain agencies to provide unredacted documents to the Department of Education for purposes of investigating and prosecuting certified educators and applicants for certification; providing minimum standards that a probationer must meet; revising penalties that the Education Practices Commission may impose; revising criteria for the use of an order to show cause; amending s. 1012.798, F.S.; revising provisions relating to the recovery network program for educators; amending s. 943.0585, F.S.; allowing certain employers of educators to have access to expunged records; amending s. 943.059, F.S.; allowing certain employers of educators to have access to sealed records; providing an effective date.

By the Committee on Ethics and Elections; and Senator Sebesta—

CS for SB 2030—A bill to be entitled An act relating to violations of citizens' right to honest government; providing a popular name; amend-

ing s. 16.56, F.S.; authorizing the Office of Statewide Prosecution to prosecute violations of ch. 838, F.S.; amending s. 838.014, F.S.; revising, providing, and deleting definitions; amending s. 838.015, F.S.; revising the definition of “bribery” and increasing the penalty therefor; amending s. 838.016, F.S.; increasing the penalty for unlawful compensation for official behavior; creating ss. 838.022, 838.20, 838.21, 838.22, and 838.23, F.S.; providing criminal penalties for official misconduct, criminal misuse of official position, disclosure or use of confidential criminal justice information, and bid tampering; providing definitions; providing status of confidential informants and confidential sources; amending s. 837.02, F.S.; providing a criminal penalty for perjury in an official proceeding by a public servant; amending s. 905.34, F.S.; expanding the jurisdiction of the statewide grand jury to include violations of ch. 838, F.S.; amending s. 921.0022, F.S.; deleting specified felonies from and adding specified felonies to the Criminal Punishment Code offense severity ranking chart; repealing s. 838.15, F.S., relating to commercial bribe receiving; repealing s. 838.16, F.S., relating to commercial bribery; repealing s. 839.25, F.S., relating to official misconduct; amending ss. 112.3173, 112.534, 117.01, and 121.091, F.S.; deleting and conforming cross-references to changes made by the act; providing an effective date.

By the Committee on Transportation; and Senator Sebesta—

CS for SB 2034—A bill to be entitled An act relating to the high-speed rail system; amending s. 341.8203, F.S.; deleting the term “associated development” from the definition of “high-speed rail system”; amending s. 341.840, F.S.; providing that the Florida High-Speed Rail Authority, its agent, or the owner of the high-speed rail system is not required to pay taxes or assessments related to the operation of the high-speed rail system; providing exceptions; providing an effective date.

By the Committee on Appropriations; and Senators Smith and Argenziano—

CS for SB 2046—A bill to be entitled An act relating to sentencing; amending s. 921.16, F.S.; prohibiting a court from directing that a sentence be served coterminously with a sentence imposed by another court or a court of another state; removing provisions providing for notification to another jurisdiction in the event of a coterminous sentence; providing an effective date.

By the Committee on Transportation; and Senators Dockery, Fasano and Siplin—

CS for SB 2060—A bill to be entitled An act relating to law enforcement officers; amending s. 322.21, F.S.; revising delinquent fee for described late renewal or extension of certain driver’s licenses; providing for deposit of funds into the State Law Enforcement Officer Recruitment and Retention Trust Fund for certain purposes; providing an effective date.

By the Committee on Appropriations; and Senators Lee and Fasano—

CS for SB 2062—A bill to be entitled An act relating to scholarship funding tax credits; amending s. 220.187, F.S.; increasing the total amount of tax credit which may be granted each state fiscal year; allowing tax credits to be carried forward; providing for the scholarship amounts awarded to be annually adjusted based on the percentage change in the Consumer Price Index; creating s. 220.1875, F.S.; establishing a program for contributions to nonprofit scholarship-funding organizations to be used for dependent children of military personnel; providing for tax credits that may be granted each fiscal year for such contributions; providing requirements and limitations; providing an effective date.

By the Committee on Health, Aging, and Long-Term Care; and Senator Wasserman Schultz—

CS for SB 2098—A bill to be entitled An act relating to prescription drugs; creating s. 409.960, F.S.; providing a popular name; creating s.

409.962, F.S.; creating “The LifeSaver Rx Program”; providing purpose of the program; creating s. 409.964, F.S.; providing definitions; creating s. 409.966, F.S.; providing that the Secretary of Health Care Administration shall operate the LifeSaver Rx Program as a state pharmaceutical assistance program to provide discounts to participants for prescription drugs covered by a rebate agreement; providing that the secretary shall negotiate discount prices or rebates for prescription drugs from manufacturers or labelers; providing that the Agency for Health Care Administration shall contract with participating retail pharmacies to deliver discounted prices to program participants; providing factors to be considered in negotiating discounts or rebates; providing for quarterly calculation of discounts; creating s. 409.968, F.S.; providing for calculation of payment by program participants and the agency; requiring participating retail pharmacies in the state to charge the rate allowable under the Medicaid program for prescription drugs sold to program participants; providing for rate of reimbursement of participating retail pharmacies; creating s. 409.970, F.S.; providing requirements for program eligibility; requiring the Agency for Health Care Administration to establish enrollment procedures; providing for an annual enrollment fee; providing for use of enrollment fees and rebates from drug manufacturers; creating s. 409.972, F.S.; providing for operation of the program; authorizing the Board of Pharmacy to adopt certain rules; creating s. 409.974, F.S.; providing procedure for resolution of discrepancies in rebate amounts; creating s. 409.976, F.S.; requiring an annual report; creating s. 409.978, F.S.; authorizing coordination with other programs; creating s. 409.980, F.S.; authorizing the agency to adopt rules; creating s. 409.982, F.S.; authorizing the agency to seek certain waivers; providing a contribution by the agency toward the cost of prescription drugs purchased by program participants; amending s. 409.9066, F.S.; requiring the Agency for Health Care Administration to publish on a website the average wholesale prices of drugs provided through the program; requiring the agency to publish additional information to assist consumers; requiring a report on methods of pricing pharmaceutical products purchased by the program; providing an appropriation; providing for severability; providing an effective date.

By the Committee on Comprehensive Planning; and Senators Dockery and Alexander—

CS for SB 2118—A bill to be entitled An act relating to public nuisances; amending s. 893.138, F.S.; clarifying the uses of property that constitute a public nuisance; providing for closure of property if occupancy of the property materially contributes to the nuisance; providing exceptions; providing that closure of property constituting an unabated nuisance is not a taking; providing an effective date.

By the Committee on Transportation; and Senators Dockery, Argenziano, Jones, Alexander, Margolis, Bullard, Siplin, Miller, Dawson, Hill and Lee—

CS for SB 2140—A bill to be entitled An act relating to the Florida High-Speed Rail Authority; amending s. 341.8203, F.S.; amending the definition of “rail station,” “station,” or “high-speed rail station”; adding definition for “excess revenues”; providing that the general public shall have full and unrestricted access to high-speed rail stations; amending s. 341.840, F.S.; providing that the tax exemption granted the authority shall not apply to any associated development or to income, sales, or other taxable transactions related to any associated development; creating s. 341.843, F.S.; requiring specified contractors to provide surety bonds; providing requirements with respect to such bonds; creating s. 341.844, F.S.; authorizing the Division of Bond Finance to issue revenue bonds for and on behalf of the authority for the purpose of financing or refinancing the construction, reconstruction, and improvement of the high-speed rail system; amending s. 341.830, F.S.; providing that procurement by the authority of any person or entity to provide professional services shall be in accordance with the Consultants’ Competitive Negotiation Act; providing an appropriation; creating s. 341.825, F.S.; requiring the Department of Transportation to include a request for specified expenditures to be provided to the Florida High-Speed Rail Authority in its annual legislative budget requests for a specified period; providing requirements with respect to such budget requests and sources of appropriations; creating s. 341.826, F.S.; providing for the assignment, pledging, or setting aside of such funds as a trust for the payment of principal or interest on bonds issued by the authority; amending s. 341.827, F.S.;

giving the authority the ability to identify segment or project phases, and to determine the order in which these phases are completed, based on certain criteria; specifying that subject to the National Environmental Protection Act, the authority may select a particular Orlando area route, based on certain criteria; creating s. 341.845, F.S.; specifying uses of excess revenues; providing for two full-time equivalent positions; providing an effective date.

By the Committees on Governmental Oversight and Productivity; Health, Aging, and Long-Term Care; and Senator Clary—

CS for CS for SB 2144—A bill to be entitled An act creating the Board of Dentistry Empowerment Act; creating s. 466.055, F.S.; providing for the appointment of an executive director; providing for duties, and board oversight; requiring director to oversee staff; requiring the department to contract for a dental intake officer and providing qualifications; requiring certain responsibilities of the officer; requiring the board to establish certain performance parameters for departmental handling of disciplinary cases, and consequences; requiring testing services to report to the board if requested; requiring a board spending plan and its content; requiring board spending authority over discretionary budget items; requiring a department report of certain information; providing for a board response; providing an effective date.

By the Committees on Appropriations; Criminal Justice; and Senator Cowin—

CS for CS for SB 2172—A bill to be entitled An act relating to sexual offenders; amending s. 794.0115, F.S.; providing a short title; defining a dangerous sexual felony offender; providing mandatory sentencing for such offenders; providing an effective date.

By the Committees on Health, Aging, and Long-Term Care; Banking and Insurance; and Senator Atwater—

CS for CS for SB 2264—A bill to be entitled An act relating to health insurance; amending s. 627.411, F.S.; revising grounds for disapproval of health insurance policy forms that apply certain rating practices, or that result in actuarially justified rate increases under certain circumstances; requiring health insurance policies to meet a minimum loss ratio of a specified amount; amending s. 627.6515, F.S.; amending conditions that must be met to exempt from part VII of ch. 627, F.S., a group health insurance policy issued or delivered outside this state under which a resident of this state is provided coverage; providing rulemaking authority; providing an effective date.

By the Committees on Appropriations; Health, Aging, and Long-Term Care; and Senator Peaden—

CS for CS for SB 2312—A bill to be entitled An act relating to the distribution of prescription drugs; providing a short title; providing legislative findings and intent with respect to a report by the Seventeenth Statewide Grand Jury; amending s. 499.003, F.S.; defining additional terms; amending s. 499.005, F.S.; prohibiting the purchase or sale of prescription drugs in wholesale distribution in exchange for currency; clarifying provisions prohibiting the transfer of legend drugs from or to any person not authorized to possess such drugs; prohibiting additional acts concerning the distribution of prescription drugs; creating s. 499.0051, F.S.; providing that failure to maintain or deliver pedigree papers, failure to authenticate pedigree papers, forgery of pedigree papers, purchase of legend drugs from an unlicensed person, sale of legend drugs to an unlicensed person, possession or sale of contraband legend drugs and possession with intent to sell or deliver contraband legend drugs, and forgery of prescription labels or legend drug labels are felony offenses; providing penalties; creating s. 499.0052, F.S.; providing that trafficking in contraband legend drugs is a felony offense; providing penalties; providing enhanced penalties if the defendant is a corporation or not a natural person; creating s. 499.0053, F.S.; providing that the sale or purchase of a contraband legend drug resulting in great bodily harm is a first-degree felony; creating s. 499.0054, F.S.; providing that the sale or purchase of a contraband legend drug resulting in death is

a first-degree felony; amending s. 499.006, F.S.; providing that a legend drug that is unaccompanied by a proper pedigree paper or that has been in the possession of an unauthorized person is an adulterated drug; amending s. 499.007, F.S.; revising labeling requirements to conform to federal law; amending s. 499.01, F.S.; requiring that prescription drug repackagers, nonresident prescription drug manufacturers, and freight forwarders obtain a permit from the Department of Health in order to do business; prohibiting a county or municipality from issuing an occupational license prior to an establishment obtaining a permit required under ch. 499, F.S., under specified circumstances; providing for early expiration of certain permits; amending s. 499.012, F.S.; excluding the transfer of prescription drugs within a hospital from the definition of wholesale distribution; providing bond requirements for prescription drug wholesalers; deleting provisions authorizing the department to grant out-of-state wholesalers reciprocity; requiring freight forwarders and nonresident prescription drug manufacturers to obtain a permit; providing requirements for permit applications; providing definitions; providing requirements for the permitting of prescription drug wholesalers and out-of-state prescription drug wholesalers; providing criteria for permit denials; requiring prescription drug wholesalers to designate a representative; providing criteria for designation as a representative; amending s. 499.0121, F.S.; requiring record review; requiring pedigree papers for the transfer and sale of legend drugs; providing exemptions; providing documentation requirements for the shipment of prescription drugs; providing requirements for wholesale drug distributors with respect to the exercise of due diligence; providing rulemaking authority; creating s. 499.01211, F.S.; creating the Drug Wholesaler Advisory Council within the Department of Health; providing for membership of the council and terms of office; requiring the council to review rules and make recommendations to the secretary of the department; amending s. 499.013, F.S.; providing requirements for repackagers of drugs, devices, and cosmetics; requiring that a repackager obtain a permit from the department; providing labeling requirements; amending s. 499.014, F.S.; specifying that certain restricted distributors are exempt from the requirements concerning pedigree papers; amending s. 499.041, F.S.; revising the schedule of fees for permits; amending s. 499.051, F.S.; revising the authority of the Department of Health to inspect pharmacies and pharmacy wholesalers; authorizing the department and the Department of Law Enforcement to inspect certain financial documents and records; amending s. 499.055, F.S.; requiring the Department of Health to establish a website listing all permitholders and pending enforcement actions; creating s. 499.065, F.S.; authorizing the department to enter and inspect all permitted facilities at any reasonable time; authorizing the department to seize and destroy prescription drugs representing a threat to public health; authorizing the department to close facilities that represent an imminent danger to public health; amending s. 499.066, F.S.; providing for administrative actions by the department; creating s. 499.0661, F.S.; providing for the department to issue cease and desist orders; providing for the department to order the removal of certain persons from involvement with certain drug wholesalers; providing penalties; amending s. 499.067, F.S.; specifying additional grounds for denial of a permit or certification; amending s. 499.069, F.S.; revising certain penalty provisions; creating s. 499.0691, F.S.; providing criminal penalties for violations related to drugs or false advertisement; amending s. 921.0022, F.S., relating to the offense severity ranking chart of the Criminal Punishment Code; conforming provisions to changes made by the act; amending s. 895.02, F.S.; including certain violations of part I of ch. 499, F.S., within the definition of racketeering activity; amending ss. 16.56 and 905.34, F.S.; authorizing criminal violations of part I of ch. 499, F.S., to be prosecuted by the Office of Statewide Prosecution and heard by the Statewide Grand Jury; providing for severability; providing an appropriation; providing an effective date.

By the Committee on Appropriations; and Senator Peaden—

CS for SB 2322—A bill to be entitled An act relating to assistance in obtaining prescription drugs; creating s. 430.83, F.S.; providing a popular name; providing definitions; providing legislative findings and intent; creating the Sunshine for Seniors Program to assist low-income seniors with obtaining prescription drugs from manufacturers' pharmaceutical assistance programs; providing implementation and oversight duties of the Department of Elderly Affairs; providing for community partnerships; providing for contracts; requiring annual evaluation reports on the program; specifying that the program is not an entitlement; providing an appropriation and authorizing a position; providing an effective date.

By the Committee on Health, Aging, and Long-Term Care; and Senator Pruitt—

CS for SB 2348—A bill to be entitled An act relating to the Governor's Council for a Fit Florida; amending s. 288.1229, F.S.; providing for creation and placement of council; providing for powers and duties, membership and terms thereof; providing for reimbursement for per diem and travel expenses for members of the council; providing an effective date.

By the Committee on Agriculture; and Senators Klein and Posey—

CS for SB 2350—A bill to be entitled An act relating to animal fighting or baiting; amending s. 828.122, F.S., the "Animal Fighting Act"; defining the term "animal fighting"; revising the elements of the crime of animal fighting or baiting; prohibiting certain acts associated with animal fighting or baiting; providing for the seizure, impoundment, and euthanasia of animals under certain conditions; providing penalties; amending ss. 933.02, 933.18, F.S.; amending provisions relating to search warrants; providing an effective date.

By the Committee on Health, Aging, and Long-Term Care; and Senator Saunders—

CS for SB 2386—A bill to be entitled An act relating to health care practitioners; amending s. 456.076, F.S., relating to treatment programs for impaired practitioners; requiring the consultant to provide notice to practitioners regarding the investigative process; providing rulemaking authority for the Department of Health; providing that failure to provide notice is harmless error; providing requirements for voluntary examinations; providing an effective date.

By the Committees on Appropriations; Health, Aging, and Long-Term Care; and Senators Fasano and Aronberg—

CS for CS for SB 2390—A bill to be entitled An act relating to controlled substances; creating s. 831.311, F.S.; prohibiting the sale, manufacture, alteration, delivery, uttering, or possession of counterfeit-resistant prescription blanks for controlled substances; providing penalties; amending s. 893.04, F.S.; providing additional requirements for the dispensing of a controlled substance listed in Schedule II, Schedule III, or Schedule IV; providing rulemaking authority to the Board of Pharmacy; creating s. 893.055, F.S.; requiring the Department of Health to establish an electronic system to monitor the prescribing of controlled substances listed in Schedule II, Schedule III, and Schedule IV; requiring the dispensing of such controlled substances to be reported through the system; providing exceptions; providing reporting requirements; providing penalties; providing rulemaking authority to the department; requiring the department to cover all costs for the system; providing for an appropriation, subject to availability of funds; providing that a certain trust fund may not be used to fund the program; creating s. 893.065, F.S.; requiring the department to develop and adopt by rule the form and content for a counterfeit-proof prescription blank for voluntary use by physicians to prescribe a controlled substance listed in Schedule II, Schedule III, or Schedule IV; providing an appropriation and authorizing positions; providing contingent applicability of penalties; providing contingent effective dates.

By the Committees on Finance and Taxation; Banking and Insurance; and Senator Diaz de la Portilla—

CS for CS for SB 2414—A bill to be entitled An act relating to warranty association regulation; amending ss. 634.031, 634.303, and 634.403, F.S.; exempting affiliates of insurers from provisions regulating certain warranty associations, under certain circumstances; providing for nonapplication of the exemptions under certain circumstances; providing an effective date.

By the Committees on Judiciary; Transportation; and Senator Sebastia—

CS for CS for SB 2416—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; revising the exemption from public records requirements for personal information contained in a motor vehicle record; removing the requirement that the exemption be conditioned on a request for exemption by the person who is the subject of the record; restricting release of social security numbers and medical and disability information; revising conditions for the release of information for bulk distribution use; providing for release of information when the subject has given consent on a form prescribed by the Department of Highway Safety and Motor Vehicles; providing that the restrictions on the disclosure of information do not affect the use of organ donor information; providing for rulemaking; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

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

CS for SB 2428—A bill to be entitled An act relating to insurance claims and premium payments; amending s. 627.4035, F.S.; providing for the payment of insurance premiums by a debit or credit card, automatic electronic funds transfer, or payroll deduction plan; amending s. 627.7015, F.S.; defining "claim" for purposes of alternative procedures for resolution of disputed property insurance claims; amending s. 627.901, F.S.; revising the limits on premium financing service charges; providing an effective date.

By the Committees on Governmental Oversight and Productivity; Regulated Industries; and Senator Clary—

CS for CS for SB 2464—A bill to be entitled An act relating to engineering; amending s. 471.013, F.S.; revising examination requirements; amending s. 471.015, F.S.; conforming provisions; amending s. 471.023, F.S.; revising terminology relating to legal entities involved in offering engineering services; amending s. 471.033, F.S.; providing for the imposition of restitution as a penalty for disciplinary violations; amending s. 471.038, F.S.; deleting obsolete language; deleting certain management powers and duties of the Department of Business and Professional Regulation over the Florida Engineers Management Corporation; deleting a bond requirement for certain employees of the corporation; revising the date an annual report is due; transferring certain functions of the department to the board; amending s. 287.055, F.S.; revising standards applicable to the acquisition of professional services; providing an effective date.

By the Committee on Judiciary; and Senator Dockery—

CS for SB 2482—A bill to be entitled An act relating to name change petitions; amending s. 68.07, F.S.; requiring the petition to contain certain criminal background information; requiring a report to be sent to the Florida Department of Law Enforcement and the Department of Highway Safety and Motor Vehicles; providing an effective date.

By the Committees on Commerce, Economic Opportunities, and Consumer Services; Regulated Industries; and Senator Diaz de la Portilla—

CS for CS for SB 2520—A bill to be entitled An act relating to the Beverage Law; amending s. 561.19, F.S.; providing procedures for issuance of a license that becomes available because of a revocation; amending s. 561.422, F.S.; revising requirements for issuance of a temporary permit to certain civic organizations; requiring presentation of building and zoning permit; requiring net profits to be retained by the civic organization; amending s. 561.65, F.S.; providing procedures for enforcement of a perfected security interest in a quota license prior to reissuance of the quota license; amending s. 562.11, F.S.; providing a popular name; prohibiting the service of alcoholic beverages to any minor employed by a licensed vendor; providing a penalty; reenacting s. 561.706, F.S., for the purpose of incorporating the amendment to s. 562.11, F.S., in reference thereto; providing an effective date.

By the Committees on Comprehensive Planning; Regulated Industries; and Senator Webster—

CS for CS for SB 2534—A bill to be entitled An act relating to timeshare plans; amending s. 721.02, F.S.; revising provisions with respect to legislative purpose under the Florida Vacation Plan and Timesharing Act; amending s. 721.03, F.S.; revising provisions with respect to the scope of the act to include reference to personal property timeshare plans; amending s. 721.05, F.S.; providing definitions; amending s. 721.06, F.S.; revising provisions with respect to contracts for purchase of timeshare interests to include provisions with respect to personal property timeshare interests; amending s. 721.065, F.S.; revising provisions with respect to resale purchase agreements to include reference to certain real property and personal property timeshare plans; amending s. 721.07, F.S.; revising provisions with respect to public offering statements; amending s. 721.075, F.S.; revising provisions with respect to incidental benefits, requiring purchasers to execute a statement indicating the source of the benefit; amending s. 721.08, F.S.; revising provisions with respect to escrow accounts; amending s. 721.09, F.S.; revising provisions with respect to reservation agreements; amending s. 721.11, F.S.; revising provisions with respect to advertising materials; correcting cross-references; amending s. 721.12, F.S.; providing for required recordkeeping by the seller of a personal property timeshare plan; amending s. 721.13, F.S.; revising provisions with respect to management; amending s. 721.14, F.S.; providing that a section of law governing the discharge of the managing entity shall not apply with respect to personal property timeshare plans; amending s. 721.15, F.S.; revising provisions with respect to assessments for common expenses; amending s. 721.16, F.S.; providing that a section of law governing certain liens does not apply to personal property timeshare plans; amending s. 721.17, F.S.; revising provisions with respect to transfer of interest; amending s. 721.18, F.S.; revising provisions with respect to exchange programs; amending s. 721.19, F.S.; including reference to personal property timeshare interests; amending s. 721.20, F.S., relating to licensing requirements; providing for the application of certain provisions to personal property timeshare plans; amending s. 721.24, F.S.; exempting accommodations and facilities of personal property timeshare plans from a provision of law governing firesafety; amending s. 721.26, F.S.; revising provisions with respect to regulation by the division; amending s. 721.52, F.S.; redefining the term “multisite timeshare plan” and defining the terms “nonspecific multisite timeshare plan” and “specific multisite timeshare plan”; amending s. 721.53, F.S.; revising provisions with respect to subordination instruments; amending s. 721.54, F.S.; deleting a cross-reference; amending s. 721.55, F.S.; providing reference to filed rather than registered public offering statements; providing reference to multisite timeshare plans; amending s. 721.551, F.S.; providing for reference to filed rather than registered public offering statements; amending s. 721.552, F.S.; providing reference to multisite timeshare plans; amending s. 721.56, F.S.; providing reference to personal property timeshare plans; amending s. 721.57, F.S.; revising provisions with respect to timeshare estates in multisite timeshare plans; amending s. 721.84, F.S.; revising provisions with respect to appointment of a registered agent; amending ss. 721.96 and 721.97, F.S.; including reference to personal property timeshare interests; providing for application with respect to certain filings approved by the Division of Florida Land Sales, Condominiums, and Mobile Homes prior to the effective date of the act; providing an effective date.

By the Committees on Transportation; Comprehensive Planning; and Senator Sebesta—

CS for CS for SB 2550—A bill to be entitled An act relating to mobile homes; creating s. 319.261, F.S.; providing a process to retire title to a mobile home; defining “real property owned by that same person”; providing procedures; requiring the clerk of court to record certain documents and provide copies to the owner; requiring the clerk of court to provide a copy of the recorded title or manufacturers’ certificate of origin to the owner; providing for the owner or lienholder of the mobile home to file an application with the Department of Highway Safety and Motor Vehicles; providing for that department to retire the title; requiring notice to the applicant; providing procedures for that department to issue a new title; providing for conveyance of such mobile home; providing for perfecting, realizing, and foreclosure of security interests; prohibiting falsifying or omitting material or violating the section otherwise; providing penalties; providing for application and construction of the act; providing for severability; providing an effective date.

By the Committee on Agriculture; and Senator Hill—

CS for SB 2558—A bill to be entitled An act relating to worker safety with respect to agricultural pesticides; creating s. 487.2011, F.S.; providing a short title; creating s. 487.2021, F.S.; declaring legislative intent; creating s. 487.2031, F.S.; defining terms; creating s. 487.2041, F.S.; providing for enforcement of federal worker protection regulations; creating s. 487.2051, F.S.; requiring agricultural employers to make agricultural pesticide information available to workers, designated representatives, and medical personnel; creating s. 487.2061, F.S.; prohibiting agricultural employers from failing to provide required information and from taking retaliatory action against workers for exercising their rights; creating s. 487.2071, F.S.; providing penalties; providing for relief against retaliation; providing for monitoring complaints of retaliation; providing for a report; providing an effective date.

By the Committees on Home Defense, Public Security, and Ports; Transportation; and Senator Sebesta—

CS for CS for SB 2578—A bill to be entitled An act relating to aviation; creating s. 332.14, F.S., the Secure Airports for Florida’s Economy (SAFE) Act; creating the SAFE Council; specifying membership and duties; directing the council to produce a 5-year Master Plan of eligible projects; specifying project purposes; providing for annual plan updates and submission of plan; directing the Department of Transportation, the Department of Law Enforcement, the Department of Community Affairs, and the Office of Tourism, Trade, and Economic Development to serve on the council and to evaluate the project proposals on specific criteria; allowing the council to expend federal, state, local, and private funds on projects, as appropriate and subject to legislative approval; providing for staff; requiring monitoring; amending s. 332.007, F.S.; authorizing airports to expend certain funds for security purposes through a specified date; providing an effective date.

By the Committee on Judiciary; and Senator Aronberg—

CS for SB 2652—A bill to be entitled An act relating to vessels; amending s. 328.17, F.S.; revising provisions with respect to the nonjudicial sale of vessels; providing an effective date.

By the Committees on Governmental Oversight and Productivity; Transportation; and Senator Sebesta—

CS for CS for SB 2658—A bill to be entitled An act relating to transportation; amending ss. 20.23 and 110.205, F.S.; providing for the reorganization of the Department of Transportation; revising duties of the assistant secretaries; providing for additional offices; amending s. 255.20, F.S.; providing for a presumption of prequalification for certain contractors; amending s. 316.1001, F.S.; providing for issuing citations for toll violations by first class mail; providing that mailing constitutes notification of such a violation; amending s. 316.302, F.S.; revising provisions for exemption from specified notification requirements for commercial motor vehicles carrying hazardous materials; incorporating specified federal regulations; updating regulations and rules applicable to certain commercial motor vehicle owners and drivers; specifying ownership identification requirements for certain commercial motor carriers; providing penalties for violation of such requirements; providing for compliance reviews; deleting obsolete references; requirements for identifying commercial vehicles; authorizing the department to conduct compliance reviews; amending s. 316.3025, F.S.; conforming references; providing for a civil penalty to be assessed for additional specified violations; providing penalties for commercial trucks found to be operating following an out-of-service order; amending s. 316.3026, F.S.; providing for the Office of Motor Carrier Compliance to enforce laws governing the operating authority of motor carriers; repealing s. 316.3027, F.S., relating to identification requirements of commercial vehicles; amending s. 316.515, F.S.; revising length limitations for certain commercial vehicles; amending s. 316.545, F.S.; providing for placement of a lien on a vehicle for failure to pay an out-of-service fine; deleting obsolete provisions; authorizing weight inspectors to detain a commercial vehicle under certain circumstances; repealing s. 316.610(3), F.S., relating to a commercial vehicle inspection program within the department which no longer exists; amending s. 316.640, F.S.; providing for authorization of

traffic accident investigation officers; amending s. 316.650, F.S.; authorizing the transfer of toll violation citations via electronic means; amending s. 316.70, F.S.; authorizing the department to conduct compliance reviews of nonpublic sector buses; amending s. 318.14, F.S.; revising the time period for paying certain civil penalties; amending s. 330.27, F.S.; revising definitions; amending s. 330.29, F.S.; revising duties of the Department of Transportation with respect to the regulation of airport sites and airports; requiring the department to establish requirements for airport site approval, licensure, and registration; requiring the department to establish and maintain a state aviation facility data system; amending s. 330.30, F.S.; revising provisions for airport site approval; revising provisions for airport licensing; providing for a private airport registration process; specifying requirements for such licensing and registration; deleting airport license fees; providing for expiration and revocation of such license or registration; revising provisions for exemption from such registration and licensing requirements; exempting described areas and facilities from such requirements; providing described private airports the option to be inspected and licensed by the department; amending s. 330.35, F.S.; revising provisions for airport zoning protection for public-use airports; amending s. 330.36, F.S.; providing for zoning requirements governing the landing of seaplanes; amending s. 288.075, F.S.; conforming provisions to changes made by the act; amending s. 331.303, F.S.; revising a definition; amending s. 331.308, F.S.; revising provisions relating to the board of supervisors for the Florida Space Authority; amending s. 331.367, F.S.; conforming provisions to changes made by the act; amending s. 331.368, F.S.; revising the membership of the board of directors for the Florida Space Research Institute; clarifying the authority of the Florida Space Research Institute; providing for the submission of an annual report to the Commissioner of Education; amending s. 331.401, F.S.; conforming provisions to changes made by the act; amending s. 331.403, F.S.; revising legislative findings and intent; amending s. 331.405, F.S.; defining the term “aerospace”; amending s. 331.407, F.S.; redesignating the Florida Commercial Space Finance Corporation as the Florida Aerospace Finance Corporation; conforming provisions to changes made by the act; providing that the Florida Aerospace Finance Corporation is not an agency for certain purposes; amending ss. 331.409 and 331.411, F.S.; conforming provisions to changes made by the act; amending s. 334.03, F.S.; defining “511 services” and “interactive voice response”; amending s. 334.044, F.S.; expanding the powers and duties of the department to include oversight of traveler information systems; amending s. 334.14, F.S.; revising the qualifications required for engineers employed by the department; creating s. 334.60, F.S.; requiring the department to be the lead agency in establishing and coordinating a 511 traveler information phone system; amending s. 336.467, F.S.; authorizing the department to acquire rights-of-way for other governmental entities; amending s. 337.14, F.S.; clarifying the contractor prequalification process; prohibiting a construction contractor from providing testing services; amending s. 337.18, F.S.; clarifying that surety bonds issued in favor of the department for construction and maintenance projects over a specified amount are governed by chapter 337, F.S.; removing certain limitations on contractor incentive payments; amending s. 338.165, F.S.; authorizing the Division of Bond Finance to issue bonds at the department’s request for certain facilities; amending s. 338.235, F.S.; authorizing the turnpike authority to secure products, business opportunities, and services by competitive solicitation; creating s. 339.61, F.S.; providing legislative findings; creating s. 339.62, F.S.; providing the components of the Strategic Intermodal System; creating s. 339.63, F.S.; designating system facilities; creating s. 339.64, F.S.; providing for the Strategic Intermodal System Plan; creating s. 339.65, F.S.; creating the Strategic Intermodal Transportation Advisory Council; amending s. 95.361, F.S.; providing for government acquisition of certain roads; providing procedures to contest such acquisition; repealing s. 83 of ch. 2002-20, Laws of Florida, as amended by s. 58 of ch. 2002-402, Laws of Florida, relating to grants for local governments; designating an official state aviation museum; providing an effective date.

By the Committees on Banking and Insurance; Health, Aging, and Long-Term Care; and Senator Saunders—

CS for CS for SB 2678—A bill to be entitled An act relating to health care practice parameters; repealing s. 408.02, F.S., relating to practice parameters; amending s. 440.13, F.S.; providing for practice parameters and protocols; amending ss. 440.134, 627.6418, 627.6613, F.S., relating to worker’s compensation managed care plans and health insurance policy coverage for mammograms; removing references and legislative

intent, to conform; providing legislative intent that the statutory requirements conform to certain parameters relating to mammograms; providing an effective date.

By the Committee on Comprehensive Planning; and Senator Jones—

CS for SB 2688—A bill to be entitled An act relating to coastal redevelopment hazard mitigation; providing a popular name; amending s. 163.3164, F.S.; defining the term “local hazard mitigation strategy”; amending s. 163.3177, F.S.; providing an additional requirement in the comprehensive plan concerning hazard mitigation; amending s. 163.3178, F.S.; revising language with respect to coastal management; authorizing a demonstration project in certain counties to allow for the redevelopment of coastal areas within the designated coastal high hazard area; providing conditions; providing for application by a local government; providing for a written agreement between the state land planning agency and the local government; providing for a progress report; amending ss. 186.515, 288.975, and 369.303, F.S.; correcting cross-references to conform; providing an effective date.

By the Committee on Children and Families; and Senator Atwater—

CS for SB 2744—A bill to be entitled An act relating to abused, neglected, and abandoned children; creating s. 39.0016, F.S.; creating definitions; providing for interpretation of the act; requiring an agreement between the Department of Children and Family Services and the Department of Education; requiring the Department of Children and Family Services to enter into agreements with public or private entities for the delivery of services to children in custody or under the supervision of the department; requiring an agreement between the Department of Children and Family Services and district school boards; specifying provisions of such agreements; requiring access to certain information; requiring training components; providing an effective date.

By the Committee on Regulated Industries; and Senator Bennett—

CS for SB 2746—A bill to be entitled An act relating to mold remediation; providing a short title; providing legislative purpose; providing the scope of the act; defining terms; providing registration requirements for mold assessment companies, mold assessment consultants, mold remediation companies, mold remediation contractors, and mold training providers; requiring training; providing application procedures; providing for fees; providing qualifications for registration; providing for rules and orders of the Construction Industry Licensing Board; prohibiting the assignment of a registration; providing for replacement certificates; prohibiting performing more than one specified activity on a given project; providing for the Department of Business and Professional Regulation to issue reprimands and to modify, suspend, or revoke a registration; providing guidelines for disciplinary action; providing for rulemaking by the board and by the department; providing an effective date.

By the Committee on Judiciary; and Senator Peaden—

CS for SB 2748—A bill to be entitled An act relating to mental health; amending s. 394.455, F.S.; defining and redefining terms used in part I of ch. 394, F.S., “the Baker Act”; amending s. 394.4598, F.S., relating to guardian advocates; amending provisions to conform to this act; amending s. 394.4615, F.S., relating to confidentiality of clinical records; providing additional circumstances in which information from a clinical record may be released; amending s. 394.463, F.S.; amending provisions relating to involuntary examination; creating s. 394.4655, F.S.; providing for involuntary outpatient placement; providing criteria; providing procedures; providing for a voluntary examination for outpatient placement; providing for a petition for involuntary outpatient placement; providing for a continuance of hearing; providing procedures for the hearing on involuntary outpatient placement; providing a procedure for continued involuntary outpatient placement; amending s. 394.467, F.S., relating to involuntary placement; conforming terminology to changes made by this act; creating the Involuntary Outpatient Placement Implementation Task Force; providing for membership, meetings, and duties

of the task force; requiring a report; providing for rulemaking authority; providing severability; providing an effective date.

By the Committee on Natural Resources; and Senator Dockery—

CS for SB 2754—A bill to be entitled An act relating to the acquisition and conservation of lands; amending s. 253.025, F.S.; revising requirements for appraisals when acquiring state lands; amending s. 253.034, F.S.; providing conditions under which state-owned lands may be considered nonconservation lands; revising requirements for land management plans for conservation lands be submitted to the Division of State Lands; providing that land use plans for nonconservation lands be submitted to the Division of State Lands at least every 10 years; revising requirements for the sale of surplus lands; authorizing the Division of State Lands to determine the sale price of surplus lands; providing the Board of Trustees of the Internal Improvement Trust Fund with the authority to adopt rules; directing the Division of State Lands to prepare a state inventory of all federal lands, and all lands titled in the name of the state, a state agency, a water management district, or a local government; requiring the participation of counties in developing a county inventory; creating s. 253.0341, F.S.; authorizing counties and local governments to submit requests to surplus state lands directly to the board of trustees; providing for an expedited surplus process; amending s. 253.042, F.S.; revising the circumstances under which the board of trustees may directly exchange state-owned lands; providing requirements for the exchange of donated conservation lands; providing requirements for the conveyance of donated nonconservation lands; providing requirements for the exchange of other state-owned lands; amending s. 253.7823, F.S.; revising requirements for the disposition of former barge canal surplus lands; amending s. 259.032, F.S.; revising requirements for updating land management plans; eliminating the reversion of specified funds for use in acquiring lands; requiring that state agencies prepare and submit to the Department of Revenue for certification application requests for payment in lieu of taxes from local governments; revising requirements for payment in lieu of taxes; amending s. 259.0322, F.S.; providing that payments in lieu of taxes be made for 20 consecutive years; amending s. 259.036, F.S.; requiring land management review teams to submit a 10-year land management plan update to the Acquisition and Restoration Council; amending s. 259.041, F.S.; clarifying certain requirements regarding the acquisition of state-owned lands; amending s. 373.139, F.S.; repealing obsolete requirements; amending s. 373.59, F.S.; revising provisions requiring that the water management districts may make payments in lieu of taxes from funds deposited into the Water Management Lands Trust Fund; providing for 20 annual payments in lieu of taxes; amending s. 373.5905, F.S.; revising provisions requiring reinstatement of payments in lieu of taxes; requiring the exchange of lands between the Board of Trustees of the Internal Improvement Trust Fund and a local government under certain conditions; providing purposes for which exchanged lands may be used; repealing s. 253.783, F.S., relating to powers and duties of the department to acquire lands for the former barge canal project; repealing s. 253.84, F.S., relating to the acquisition of lands by the state of property containing cattle-dipping vats; repealing s. 259.0345, F.S., relating to the Florida Forever Advisory Council; providing an effective date.

By the Committee on Regulated Industries; and Senator Haridopolos—

CS for SB 2834—A bill to be entitled An act relating to pari-mutuel wagering; repealing s. 550.09515(3), F.S., relating to provisions that require a thoroughbred horse permit to be voided and to escheat to the state for failure of a permitholder to operate performances; deleting provisions for the reissuance of such escheated permit; amending s. 550.5251, F.S.; revising provisions governing application and issuance of certain thoroughbred horse permits; providing for penalties for failure to operate a full schedule of performances by permitholders; providing procedures for electing not to operate live performances; providing that such election does not affect the validity of a permit; exempting from penalties thoroughbred permitholders who failed to operate a full schedule of performances during specified seasons; providing for a study of issues related to permitholders under ch. 550, F.S.; providing an effective date.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

EXECUTIVE APPOINTMENTS SUBJECT TO CONFIRMATION BY THE SENATE:

The Secretary of State has certified that pursuant to the provisions of section 114.05, Florida Statutes, certificates subject to confirmation by the Senate have been prepared for the following:

Office and Appointment *For Term Ending*

Executive Director, Fish and Wildlife Conservation Commission
 Appointee: Haddad, Kenneth D., Tallahassee Pleasure of Commission

[Referred to the Committees on Natural Resources; and Ethics and Elections.]

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable James E. “Jim” King, Jr., President

I am directed to inform the Senate that the House of Representatives has passed HB 207, HB 761, HB 765, HB 1051, HB 1059, HB 1227, HB 1673, HB 1683, HB 1717, HB 1765; has passed as amended HB 267, HB 283, HB 415, HB 525, HB 747, HB 1431, HB 1579; has passed by the required Constitutional two-thirds vote of the membership HB 453, HB 1061, HB 1763, HB 1785 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Mealor and others—

HB 207—A bill to be entitled An act relating to pharmacy; amending s. 465.017, F.S.; requiring the Board of Pharmacy to adopt rules establishing guidelines for pharmacies to dispose of patient records; providing an effective date.

—was referred to the Committee on Health, Aging, and Long-Term Care.

By Representative Justice and others—

HB 761—A bill to be entitled An act relating to the fitting and dispensing of hearing aids; amending s. 484.0512, F.S.; providing a criminal penalty for failure of a seller to refund within a specified time moneys required to be refunded to a purchaser for the return or attempted return of a hearing aid; providing a definition; providing an effective date.

—was referred to the Committees on Health, Aging, and Long-Term Care; Criminal Justice; and Commerce, Economic Opportunities, and Consumer Services.

By Representative Adams—

HB 765—A bill to be entitled An act relating to the Emergency Planning and Community Right-to-Know Act; amending s. 252.85, F.S.; providing a fee for all, rather than just certain, reports or filings required by section 313 of the Emergency Planning and Community Right-to-Know Act; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Comprehensive Planning; Appropriations Subcommittee on Transportation and Economic Development; and Appropriations.

By Representative Goodlette—

HB 1051—A bill to be entitled An act relating to succession to the office of Governor; amending s. 14.055, F.S.; providing for the filling of a vacancy in the office of Lieutenant Governor; providing an effective date.

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

By Representative Robaina and others—

HB 1059—A bill to be entitled An act relating to pari-mutuel wagering; amending s. 550.26165, F.S.; revising criteria for making breeders' awards for racehorses; amending s. 550.2625, F.S.; providing for payment of special racing awards; amending s. 550.5251, F.S.; authorizing a thoroughbred racing permitholder to operate a cardroom; amending s. 849.086, F.S.; redefining the term "authorized game"; providing for certain permitholders to amend the annual application to include operation of a cardroom; providing requirements for a harness permitholder to operate a cardroom; clarifying requirements for the license fee; revising certain restrictions on the hours that a cardroom may be operated; authorizing the cardroom operator to limit the amount wagered; providing certain restrictions with respect to the amount of bets and the number of raises in a round of betting; providing an effective date.

—was referred to the Committees on Regulated Industries; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By Representative Evers and others—

HB 1227—A bill to be entitled An act relating to self-propelled knives; amending s. 790.225, F.S.; clarifying the definition of self-propelled knife, the unlawful manufacture, display, sale, ownership, possession, or use of which is prohibited; providing nonapplicability; providing a penalty; providing an effective date.

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

By Representative Simmons—

HB 1673—A bill to be entitled An act relating to service of process; amending s. 48.031, F.S.; authorizing substitute service to be made on certain persons in charge of private mailboxes under certain circumstances; authorizing posting of a criminal witness subpoena under certain circumstances; providing requirements; amending s. 48.081, F.S.; authorizing service of process upon an employee of a registered agent of a corporation; providing for alternative service of process upon a corporation; amending s. 83.13, F.S.; providing for delivery of an extrajudicial writ by certain parties; providing an effective date.

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

By Representative Kyle and others—

HB 1683—A bill to be entitled An act relating to the offense of leaving the scene of an accident involving a fatality; amending s. 921.0022, F.S.; providing an enhanced penalty for that offense under the offense severity ranking chart of the Criminal Punishment Code; providing an effective date.

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

By the Committee on State Administration; and Representative Mack—

HB 1717—A bill to be entitled An act relating to a public records exemption for information identifying an executioner and specified per-

sons involved in an execution; amending s. 922.10, F.S.; removing the public records exemption for an executioner's identifying information; repealing s. 922.106, F.S., which provides an exemption from public records requirements for information that would identify any person prescribing, preparing, compounding, dispensing, or administering a lethal injection pursuant to a death sentence; amending s. 945.10, F.S.; revising language with respect to the public records exemption for the identity of an executioner and persons prescribing, preparing, compounding, dispensing, or administering a lethal injection; providing an effective date.

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

By the Committee on State Administration; and Representative Mack—

HB 1765—A bill to be entitled An act relating to public necessity statements for public records and public meetings exemptions; repealing s. 430.015, F.S.; removing a public necessity statement for a public records exemption for identifying information contained in records of elderly persons collected and held by the Department of Elderly Affairs; amending s. 440.132, F.S.; removing a public necessity statement for a public records exemption for investigatory records of the Agency for Health Care Administration made or received pursuant to a workers' compensation managed care arrangement and examination records necessary to complete an investigation; repealing s. 723.0065, F.S.; removing a public necessity statement for a public records exemption for specified financial records of mobile home park owners acquired by the Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and Professional Regulation, and the Bureau of Mobile Homes of the division; repealing s. 768.301, F.S.; removing a public necessity statement for a public records exemption for certain claims files records and minutes of meetings and proceedings relating to risk management programs entered into by the state and its agencies and subdivisions, and a public meetings exemption for proceedings and meetings regarding claims filed; repealing s. 815.045, F.S.; removing a public necessity statement for a public records exemption for data, programs, or supporting documentation which are trade secrets and which reside or exist internal or external to a computer, computer system, or computer network and which are held by an agency; amending s. 943.031, F.S.; removing a public necessity statement for a public records and public meetings exemption for specified portions of meetings of the Florida Violent Crime and Drug Control Council, specified portions of public records generated at closed council meetings, and documents related to active criminal investigations or matters constituting active criminal intelligence; providing an effective date.

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

By Representative Zapata and others—

HB 267—A bill to be entitled An act relating to sales of tax certificates for unpaid taxes; amending s. 197.432, F.S.; prohibiting electronic sales of certain tax certificates for unpaid taxes; authorizing county tax collectors to conduct sales of tax certificates for unpaid taxes by electronic means; specifying compliance requirements; requiring public access; authorizing the tax collector to receive electronic deposits and payments; providing an effective date.

—was referred to the Committees on Comprehensive Planning; and Finance and Taxation.

By Representative Seiler—

HB 283—A bill to be entitled An act relating to the Uniform Commercial Code; amending s. 679.509, F.S.; providing additional requirements for filing certain amendments to financing statements; amending s. 679.513, F.S.; providing exceptions to certain requirements for filing termination statements; providing an effective date.

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

By Representative Baxley and others—

HB 415—A bill to be entitled An act relating to Internet access in county and municipal libraries; requiring public libraries to install and maintain computer software or equivalent technology that prohibits access to obscene materials by minors; permitting libraries to prohibit access to materials that incite violence; providing that the installation of software or technology in a library having only one public-access computer is within the library's discretion; providing a finding of important state interest; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Comprehensive Planning; Criminal Justice; Communication and Public Utilities; and Rules and Calendar.

By Representative Gardiner and others—

HB 525—A bill to be entitled An act relating to use of the term “chamber of commerce”; creating s. 501.972, F.S.; providing definitions; prohibiting certain business entities from using the term “chamber of commerce” under certain circumstances; providing exceptions; providing a penalty; specifying nonimposition of certain requirements; authorizing chambers of commerce to sue certain business entities to enjoin use of certain terms; providing an effective date.

—was referred to the Committees on Commerce, Economic Opportunities, and Consumer Services; Criminal Justice; Judiciary; and Governmental Oversight and Productivity.

By Representative Kallinger and others—

HB 747—A bill to be entitled An act relating to sexual battery time limitations; amending s. 775.15, F.S.; revising language with respect to time limitations for a prosecution of the crime of sexual battery; providing an effective date.

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

By Representative Jordan—

HB 1431—A bill to be entitled An act relating to mobile homes; creating s. 319.261, F.S.; providing a process to retire title to a mobile home; defining “real property owned by that same person”; providing procedures; requiring the clerk of court to record certain documents and provide copies to the owner; requiring the clerk of court to provide a copy of the recorded title or manufacturers' certificate of origin to the owner; providing for the owner or lienholder of the mobile home to file an application with the Department of Highway Safety and Motor Vehicles; providing for that department to retire the title; requiring notice to the applicant; providing for that department to issue a new title; providing for conveyance of such mobile home; providing for perfecting, realizing, and foreclosure of security interests; providing penalties; providing for application and construction of the act; providing for severability; providing an effective date.

—was referred to the Committees on Comprehensive Planning; and Transportation.

By Representative Roberson and others—

HB 1579—A bill to be entitled An act relating to autopsies; amending s. 406.135, F.S.; providing for certain survivors of deceased persons to designate agents to view or obtain autopsy records from medical examiners; providing an effective date.

—was referred to the Committees on Judiciary; Criminal Justice; Governmental Oversight and Productivity; Appropriations Subcommittee on Criminal Justice; and Appropriations.

By the Committee on State Administration; and Representative Mack—

HB 1763—A bill to be entitled An act relating to the public records exemption for the Address Confidentiality Program for Victims of Domestic Violence; amending s. 741.406, F.S.; repealing provisions which prohibit a supervisor of elections from making certain program participant information available; repealing s. 741.407, F.S., which prohibits the Attorney General from disclosing specified program participant information; amending s. 741.465, F.S., which provides an exemption from public records requirements for specified information of participants in the Address Confidentiality Program for Victims of Domestic Violence; adding clarifying language; removing the October 2, 2003, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; creating a public records exemption for the names, addresses, and telephone numbers of participants in the Address Confidentiality Program for Victims of Domestic Violence contained in voter registration records held by the supervisor of elections; providing for retroactive application of the exemption; providing for future review and repeal of exemption; providing a statement of public necessity; providing an effective date.

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

By the Committee on State Administration; and Representative Mack—

HB 1785—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing an exemption from public records requirements for personal identifying information contained in records relating to a person's health held by local governmental entities or their service providers for purposes of determining eligibility for paratransit services under Title II of the Americans with Disabilities Act or eligibility for the transportation disadvantaged program as provided in part I of ch. 427, F.S.; providing exceptions to the exemption; providing for retroactive application; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was referred to the Committees on Comprehensive Planning; Governmental Oversight and Productivity; Transportation; and Rules and Calendar.

By Representative Adams and others—

HB 453—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing an exemption from public records requirements for criminal intelligence information or criminal investigative information which is a photograph, videotape, or image of any part of the body of a victim of a sexual offense; providing for retroactive effect of the exemption; providing for future legislative review and repeal; providing a statement of public necessity; providing an effective date.

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

By Representative Bowen and others—

HB 1061—A bill to be entitled An act relating to public records; amending s. 500.148, F.S.; providing an exemption from public records requirements for certain federal information that is otherwise confidential under federal law and that is provided to the Department of Agriculture and Consumer Services for purposes of food safety investigations, federal-state contracts and partnership activities, and regulatory reviews; prohibiting the disclosure of such information unless a federal agency has found that the information is no longer entitled to protection or unless ordered by a court; providing for future legislative review and repeal; providing a finding of public necessity; providing an effective date.

—was referred to the Committees on Agriculture; Governmental Oversight and Productivity; Health, Aging, and Long-Term Care; and Rules and Calendar.

RETURNING MESSAGES ON SENATE BILLS

The Honorable James E. "Jim" King, Jr., President

I am directed to inform the Senate that the House of Representatives has acceded to the request of the Senate for the appointment of a conference committee for SB 2500. The Speaker has appointed the following Representatives to the Conference Committee: Rep. Kyle, Chair; At Large - Reps. Harrington, Murman, Greenstein, and Berfield; Judicial Appropriations - Rep. Negron, Chair, Reps. Benson, Kottkamp, Gelber, Mahon, Ross, Sieler, and Adams (alternate); Health & Human Services - Rep. Green, Chair, Reps. Brown, Murman, Garcia, Fiorentino, Slosberg, Farkas, Gottlieb, and Domino (alternate); Education - Rep. Simmons, Chair, Reps. Kilmer, Baxley, Pickens, Mayfield, Stansel, Mealar, Arza, and Sansom (alternate); General Government (Commerce & Local Affairs and Agriculture & Environment) - Rep. Brummer, Chair, Reps. Paul, Bowen, Spratt, Mack, Machek, and Reagan (alternate); Transportation and Economic Development - Rep. Waters, Chair, Reps. Russell, Gardiner, Kendrick, Evers, Clarke, and Rivera (alternate); Public Safety - Rep. Bilirakis, Chair, Reps. Barreiro, Bean, Needelman, Holloway, Carassas, and Dean (alternate).

John B. Phelps, Clerk

SB 2500—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 2003, and ending June 30, 2004, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

The Honorable James E. "Jim" King, Jr., President

I am directed to inform the Senate that the House of Representatives has acceded to the request of the Senate for the appointment of a conference committee for SB 2502. The Speaker has appointed the following Representatives to the Conference Committee: Rep. Kyle, Chair; At Large - Reps. Harrington, Murman, Greenstein, and Berfield; Judicial Appropriations - Rep. Negron, Chair, Reps. Benson, Kottkamp, Gelber, Mahon, Ross, Sieler, and Adams (alternate); Health & Human Services - Rep. Green, Chair, Reps. Brown, Murman, Garcia, Fiorentino, Slosberg, Farkas, Gottlieb, and Domino (alternate); Education - Rep. Simmons, Chair, Reps. Kilmer, Baxley, Pickens, Mayfield, Stansel, Mealar, Arza, and Sansom (alternate); General Government (Commerce & Local Affairs and Agriculture & Environment) - Rep. Brummer, Chair, Reps. Paul, Bowen, Spratt, Mack, Machek, and Reagan (alternate); Transportation and Economic Development - Rep. Waters, Chair, Reps. Russell, Gardiner, Kendrick, Evers, Clarke, and Rivera (alternate); Public Safety - Rep. Bilirakis, Chair, Reps. Barreiro, Bean, Needelman, Holloway, Carassas, and Dean (alternate).

John B. Phelps, Clerk

SB 2502—A bill to be entitled An act implementing the 2003-2004 General Appropriations Act; providing legislative intent; providing accounting requirements for the state universities for the 2003-2004 fiscal year; amending ss. 430.204 and 430.205, F.S.; requiring the Department of Elderly Affairs to fund certain community care services and core services for the elderly; amending s. 216.292, F.S.; authorizing the Department of Children and Family Services to transfer funds within the family safety program; amending s. 295.182, F.S.; authorizing contributions to the Florida World War II Veterans Memorial Matching Trust Fund from public bodies; amending s. 561.121, F.S.; providing that moneys in the Children and Adolescents Substance Abuse Trust Fund may also be used for the purpose of funding programs directed at reducing and eliminating substance abuse problems among adults; amending s. 409.1671, F.S.; authorizing the Department of Children and Family Services to combine current community-based care lead agency contracts for Sarasota, Manatee, and DeSoto Counties into a single contract; authorizing the Department of Children and Family Services to enter into a contract to finance, design, construct, and operate the South Florida Evaluation and Treatment Center; providing for an extended contract period; authorizing financing for the project; amending s. 216.181, F.S.; authorizing the Department of Law Enforcement to transfer positions and associated budgets and a certain percentage of salary rate between budget entities and providing requirements with respect thereto; authorizing the Correctional Privatization Commission to make certain expenditures to defray costs incurred by a municipality or county

as a result of opening or operating a facility under authority of the commission or the Department of Juvenile Justice; amending s. 16.555, F.S.; authorizing use of the Crime Stoppers Trust Fund to pay for salaries and benefits and other expenses of the Department of Legal Affairs; amending s. 985.4075, F.S.; prohibiting the use of juvenile justice appropriations made for operations as one-time startup funding for fixed capital outlay; amending s. 216.262, F.S.; providing for additional positions to operate additional prison bed capacity under certain circumstances; amending s. 287.161, F.S.; requiring the Department of Management Services to charge all persons receiving transportation from the executive aircraft pool a specified rate; amending s. 110.116, F.S.; authorizing the Department of Management Services to contract with a vendor to provide a personnel information system; amending s. 110.2035, F.S.; deleting provisions authorizing the Department of Management Services to adopt emergency rules to implement a classification and compensation program; amending s. 43 of chapter 2002-402, Laws of Florida, delaying the expiration of certain changes to s. 110.2035, F.S., relating to the classification and compensation program; amending s. 110.12315, F.S.; providing copayment requirements for the state employees' prescription drug program; amending s. 110.1239, F.S.; providing requirements for the funding of the state group health insurance program; amending s. 112.061, F.S.; providing for computation of travel time and reimbursement for public officers' and employees' travel; amending s. 121.71, F.S.; providing for recognition and usage of current available excess assets of the Florida Retirement System Trust Fund to offset employer contribution rates for the Florida Retirement System; amending s. 468.404, F.S.; requiring talent agency license fees equal to costs of regulation; amending s. 252.373, F.S.; providing for use of funds of the Emergency Management, Preparedness, and Assistance Trust Fund, including the use of certain funds as state matching funds for federally approved Hazard Mitigation Grant Program projects; amending s. 402.3017, F.S.; providing for administration of the Teacher Education and Compensation Helps (TEACH) scholarship program by the Agency for Workforce Innovation; amending s. 411.01, F.S.; providing priority for placement of children in the school readiness program; amending s. 288.063, F.S.; providing for funds for certain transportation projects approved by the Office of Tourism, Trade, and Economic Development to be subject to reversion; amending s. 320.08058, F.S.; authorizing proceeds from the Professional Sports Development Trust Fund to be used for operational expenses of the Florida Sports Foundation and financial support of the Sunshine State Games; amending s. 339.08, F.S.; transferring \$200 million from the State Transportation Trust Fund to the General Revenue Fund; reducing the amount transferred from certain transportation calculation requirements; amending s. 443.036, F.S.; providing a definition and an application of an alternative base period for unemployment compensation; providing requirements and limitations; requiring employers to respond to requests for information by the Agency for Workforce Innovation; providing a penalty for failure to respond; providing for adjustments in determinations of monetary eligibility; amending s. 61 of chapter 2002-402, Laws of Florida, delaying the expiration of certain changes to s. 215.20, F.S., relating to the contributions of certain trust funds to the General Revenue Fund; amending s. 63 of chapter 2002-402, Laws of Florida; delaying the expiration of certain changes to s. 215.22, F.S., relating to an exemption from appropriation provided for certain trust funds; amending s. 65 of chapter 2002-402, Laws of Florida; delaying the expiration of certain changes to s. 18.10, F.S., relating to deposits and investments of state money; amending s. 67 of chapter 2002-402, Laws of Florida; delaying the expiration of certain changes to s. 18.125, F.S., relating to the investment of certain trust funds; amending s. 69 of chapter 2002-402, Laws of Florida; delaying the expiration of certain changes to s. 14.2015, F.S., relating to the Economic Development Trust Fund; amending s. 71 of chapter 2002-402, Laws of Florida; delaying the expiration of certain changes to s. 240.4075, F.S., relating to the Nursing Student Loan Forgiveness Program; amending s. 73 of chapter 2002-402, Laws of Florida; delaying the expiration of certain changes to s. 385.207, F.S., relating to care and assistance of persons with epilepsy; amending s. 75 of chapter 2002-402, Laws of Florida; delaying the expiration of certain changes to s. 860.158, F.S., relating to the interest earned on moneys in the Florida Motor Vehicle Theft Prevention Trust Fund; amending s. 77 of chapter 2002-402, Laws of Florida; delaying the expiration of certain changes to s. 938.01, F.S., relating to the interest earned on certain trust funds; reenacting s. 215.32(2)(b), F.S., to implement the transfer of moneys to the Working Capital Fund from certain trust funds; providing for the effect of a veto of a specific appropriation or proviso to which implementing provisions refer; providing applicability to other legislation; incorporating by reference specified performance measures and standards directly

linked to the appropriations made in the 2002-2004 General Appropriations Act, as required by the Government Performance and Accountability Act of 1994; providing for severability; providing effective dates.

RETURNING MESSAGES—FINAL ACTION

The Honorable James E. “Jim” King, Jr., President

I am directed to inform the Senate that the House of Representatives has passed SB 1568; has passed SB 744, SB 746, SB 748, SB 750, SB 752, SB 754, SB 756, SB 758, SB 760, SB 762, SB 764, SB 766, SB 768, SB 770, SB 772, SB 774, SB 776, SB 778, SB 780, SB 782, SB 784, SB 786, SB 788, SB 790, SB 792, SB 794, SB 796, SB 798, SB 800, SB 802, SB 804, SB 806, SB 808, SB 810, SB 812, SB 818, SB 820, SB 826, SB 828, SB 838, SB 842, SB 852, SB 856, SB 864, SB 868, SB 870, SB 872, SB 874, SB 876, SB 878, SB 880, SB 882, SB 886, SB 888, SB 890, SB 892, SB 894, SB 896, SB 902, SB 908, SB 910, SB 912, SB 916, SB 918, SB 920, SB 922, SB 926, SB 928, CS for SB 930, SB 932 and SB 940 by the required Constitutional three-fifths vote of the membership of the House.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 16 was corrected and approved.

CO-SPONSORS

Senators Aronberg—CS for CS for SB 1072; Lee—SB 2140; Margolis—SM 1170

RECESS

On motion by Senator Lee, the Senate recessed at 4:16 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Thursday, April 24 or upon call of the President.

SENATE PAGES

April 21-25, 2003

Mike W. Adams, Boys Ranch; Tara Brandenburger, Dunedin; Michael Brown, Citra; Anastasia Campbell, Panama City; Danielle Darby, Boca Raton; Ramsey Davis, Jacksonville; Béla Eric deTuscan, Pompano Beach; Jessica Dickson, Delray Beach; Justin Echternacht, Crestview; James Noland Greene, Madison; Rachel Hanselman, Tallahassee; Matthew J. Kovach, Tampa; Roger Edward Nye II, Boys Ranch; Lindsay Page Painter, Tampa; Amanda Paris, Spring Hill; Amber Parker, Tallahassee; Ashley Parrish, Madison; Michaelia Robinson, Tallahassee; Stephen Patrick Sebesta, Merritt Island