



Journal of the Senate

Number 17—Regular Session

Friday, April 25, 2003

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CALL TO ORDER

The Senate was called to order by President King at 10:23 a.m. A quorum present—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	

PRAYER

The following prayer was offered by Father John Bluett, St. Stephen Catholic Church, Winter Springs:

Heavenly Father, you are a gentle, loving and ever forgiving God. We are your children, precious in your eyes. You know each one of us; you call us by name, and this august body you have called to be our leaders in this great State of Florida.

Today Lord, we pray that these men and women be eminently useful to your people over whom they preside. May they encourage due respect for virtue and religion. May they execute laws with justice and mercy. Let the light of your divine wisdom shine forth in all the proceedings and laws framed for their rule and government. May they always temper justice with love so that all their decisions may be pleasing to you and earn the reward promised to good and faithful servants. In your name, we pray. Amen.

PLEDGE

Senate Pages Danielle Darby of Boca Raton, Matthew J. Kovach of Tampa, Ramsey Davis of Jacksonville and Roger Edward Nye II of Boys Ranch, 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. Robert K. Casey, sponsored by Senator Wise, as doctor of the day. Dr. Casey specializes in Family Practice.

ADOPTION OF RESOLUTIONS

At the request of Senator Atwater—

By Senators Atwater and Fasano—

SR 2848—A resolution honoring Mr. Jack Shreve for his 25 years of service as Florida’s Public Counsel.

WHEREAS, Mr. Jack Shreve has served the State of Florida for over a quarter of a century as Public Counsel from April 1978 through June 2003, representing the citizens of this state with unflinching dedication and integrity while advocating on their behalf in utility-related and hospital cost containment matters before the Florida Public Service Commission, the Agency for Health Care Administration, circuit courts, district courts of appeal, the Florida Supreme Court, and the United States Congress, and

WHEREAS, Mr. Shreve, a native of Chipley, Florida, earned a bachelor degree in business administration and a law degree from the University of Florida where he was president of Florida Blue Key and has been inducted into the University Hall of Fame, and

WHEREAS, Mr. Shreve served as an aviator in the United States Navy, flying jets, props, and helicopters, and

WHEREAS, Mr. Shreve has held the positions of General Counsel to the Florida Department of State, Assistant State Attorney, Assistant Brevard County Prosecutor, and City Attorney for the City of Cocoa, and

WHEREAS, Mr. Shreve distinguished himself as a member of the Florida House of Representatives from 1970 to 1974 where he was instrumental in developing and passing substantial revisions to the criminal code and progressive environmental legislation for which he received numerous awards recognizing his support of law enforcement and environmental issues, and

WHEREAS, Mr. Shreve was one of the founding members of the National Association of State Utility Consumer Advocates, has served as its President, and has been a member of its Executive Committee for 25 years, and

WHEREAS, Mr. Shreve’s tireless efforts on behalf of customers of electric, telephone, natural gas, water, and wastewater utilities have resulted in approximately \$5 billion in rate reductions and \$1 billion in refunds to consumers in the State of Florida, and

WHEREAS, Mr. Shreve will end his tenure as Public Counsel for the State of Florida upon his retirement on June 30, 2003, NOW, THEREFORE,

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

That Mr. Jack Shreve is commended for his many achievements and for his faithful commitment, dedication, and service to the people of Florida and for his unwavering advocacy on their behalf.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Mr. Jack Shreve as a tangible token of the high esteem of the Florida Senate.

—**SR 2848** was introduced, read and adopted by publication.

BILLS ON THIRD READING

Consideration of **CS for CS for SB 2152** and **CS for SB 956** was deferred.

CS for SB 2338—A bill to be entitled An act relating to environmental protection; amending s. 403.087, F.S.; adding hazardous waste, corrective action permits to a list of approvals; amending s. 403.703, F.S.; expanding the materials defined as construction and demolition debris; providing additional definitions; amending s. 403.722, F.S.; adding a “corrective action permit” to a list of approvals; providing an effective date.

—as amended April 24 was read the third time by title.

On motion by Senator Peaden, **CS for SB 2338** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Miller
Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Garcia	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

CS for CS for SB 2152—A bill to be entitled An act relating to military readiness; creating s. 163.3175, F.S.; providing legislative findings relating to the compatibility of development with military installations; providing for an exchange of information between certain local governments and military installations; requiring the local government to consider the comments of the commanding officer of a military installation relating to potential adverse effects on the installation which may result from rezonings or changes in land use; amending s. 163.3177, F.S.; providing that an element relating to military readiness is a mandatory element of the comprehensive plans for certain local governments; requiring the local governments to seek advice from individuals who may be affected by this element; providing factors that must be considered in connection with this element; requiring the local governments to update the military readiness element by June 30, 2004; amending s. 163.3187, F.S.; exempting from certain restrictions on the adoption of amendments to comprehensive plans an amendment relating to military readiness; amending s. 163.3167, F.S.; prohibiting certain judicial abrogation of quasi-judicial development orders issued by local governments; providing for retroactive application; providing effective dates.

—was read the third time by title.

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

Amendment 1 (120382)(with title amendment)—On page 2, line 23 through page 5, line 13, delete those lines and insert:

Section 1. Subsection (32) is added to section 163.3164, Florida Statutes, to read:

163.3164 Local Government Comprehensive Planning and Land Development Regulation Act; definitions.—As used in this act:

(32) “Military installation” means a base, camp, post, homeport facility for any ship, or other location under the jurisdiction of the Department of Defense, including any leased facility. Such term does not include any facility used primarily for civil works, docking facilities, rivers and harbors projects, or flood control projects.

Section 2. Paragraph (a) of subsection (6) and paragraph (l) of subsection (10) of section 163.3177, Florida Statutes, are amended to read:

163.3177 Required and optional elements of comprehensive plan; studies and surveys.—

(6) In addition to the requirements of subsections (1)-(5), the comprehensive plan shall include the following elements:

(a) A future land use plan element designating proposed future general distribution, location, and extent of the uses of land for residential uses, commercial uses, industry, agriculture, recreation, conservation, education, public buildings and grounds, other public facilities, and other categories of the public and private uses of land. Each future land use category must be defined in terms of uses included, and must include standards to be followed in the control and distribution of population densities and building and structure intensities. The proposed distribution, location, and extent of the various categories of land use shall be shown on a land use map or map series which shall be supplemented by goals, policies, and measurable objectives. The future land use plan shall be based upon surveys, studies, and data regarding the area, including the amount of land required to accommodate anticipated growth; the projected population of the area; the character of undeveloped land; the availability of public services; the need for redevelopment, including the renewal of blighted areas and the elimination of nonconforming uses which are inconsistent with the character of the community; *the compatibility with military installations*; and, in rural communities, the need for job creation, capital investment, and economic development that will strengthen and diversify the community’s economy. The future land use plan may designate areas for future planned development use involving combinations of types of uses for which special regulations may be necessary to ensure development in accord with the principles and standards of the comprehensive plan and this act. In addition, for rural communities, the amount of land designated for future planned industrial use shall be based upon surveys and studies that reflect the need for job creation, capital investment, and the necessity to strengthen and diversify the local economies, and shall not be limited solely by the projected population of the rural community. The future land use plan of a county may also designate areas for possible future municipal incorporation. The land use maps or map series shall generally identify and depict historic district boundaries and shall designate historically significant properties meriting protection. The future land use element must clearly identify the land use categories in which public schools are an allowable use. When delineating the land use categories in which public schools are an allowable use, a local government shall include in the categories sufficient land proximate to residential development to meet the projected needs for schools in coordination with public school boards and may establish differing criteria for schools of different type or size. Each local government shall include lands contiguous to existing school sites, to the maximum extent possible, within the land use categories in which public schools are an allowable use. All comprehensive plans must comply with the school siting requirements of this paragraph no later than October 1, 1999. The failure by a local government to comply with these school siting requirements by October 1, 1999, will result in the prohibition of the local government’s ability to amend the local comprehensive plan, except for plan amendments described in s. 163.3187(1)(b), until the school siting requirements are met. Amendments proposed by a local government for purposes of identifying the land use categories in which public schools are an allowable use or for adopting or amending the school-siting maps pursuant to s. 163.3177(3) are exempt from the limitation on the frequency of plan amendments contained in s. 163.3187. The future land use element shall include criteria that encourage the location of schools proximate to urban residential areas to the extent possible and shall require that the local government seek to collocate public facilities, such as parks, libraries, and community centers, with schools to the extent possible and to encourage the use of elementary schools as focal points for neighborhoods. For schools serving predominantly rural counties, defined as a county with a population of 100,000 or fewer, an agricultural land use category shall be eligible for the location of public school facilities if the local comprehensive plan contains school siting criteria and the location is consistent with such criteria.

(10) The Legislature recognizes the importance and significance of chapter 9J-5, Florida Administrative Code, the Minimum Criteria for Review of Local Government Comprehensive Plans and Determination of Compliance of the Department of Community Affairs that will be used to determine compliance of local comprehensive plans. The Legislature

reserved unto itself the right to review chapter 9J-5, Florida Administrative Code, and to reject, modify, or take no action relative to this rule. Therefore, pursuant to subsection (9), the Legislature hereby has reviewed chapter 9J-5, Florida Administrative Code, and expresses the following legislative intent:

(l) The state land planning agency shall consider land use compatibility issues in the vicinity of all airports in coordination with the Department of Transportation, and for military installations in coordination with the Department of Defense.

Section 3. Section 163.31779, Florida Statutes, is created to read:

163.31779 *Military Installation Memorandum of Agreement.*—

(1)(a) *The county or counties in which a military installation is either wholly or partially located and those municipalities adjacent to or proximate to the military installation, as determined by the state land planning agency based on the recommendations of the governing bodies of the affected counties and municipalities and the commanding officer whose primary responsibility is the operation of the military installation, shall enter into a memorandum of agreement with the military installation to coordinate future land use changes including the local government comprehensive plan, land development regulations, and development orders.*

(b) *The agreements shall be completed in accordance with a schedule published by the state land planning agency. The schedule must establish staggered due dates for completion of such agreements that are executed by both the local government and the military installation, concluding by July 1, 2004.*

(c) *The military installation, the county or counties in which the military installation either wholly or partially is located and the affected municipalities that are adjacent to or proximate to the military installation as determined by the state land planning agency are encouraged to adopt a single memorandum of agreement to which all join as parties. The state land planning agency shall assemble and make available model agreements meeting the requirements of this section and shall notify local governments and military installations of the requirements of this section. The state land planning agency shall be available to informally review proposed agreements.*

(2) *In preparing to adopt a memorandum of agreement, the local government must seek advice from residents of the local government and others who are likely to be affected by its provisions including, but not limited to; builders, developers, conservation groups, representatives of the United States Armed Services, and neighborhood groups.*

(3) *At a minimum, the memorandum of agreement must:*

(a) *Coordinate planning activities between the local government and military installation to determine how the public health, safety, and welfare is likely to be affected by the proximity of development to the military installation, operating areas, and ranges.*

(b) *Coordinate planning activities between the local government and military installation to make reasonable provisions for preserving open space and compatible land uses near the military installation.*

(c) *Coordinate planning activities between the local government and military installation to evaluate land proximate to the military installation taking into consideration the findings of any Department of Defense Joint Land Use Study Program, or the findings of any Air Installation Compatible Use Zone (AICUZ) and of any Installation Environmental Noise Management Program (IENMP, which was formerly the Installation Compatible Use Zone, or ICUZ, program).*

(d) *Provide for a process by which the affected local governments and military installation coordinate and share information relating to comprehensive plans and plan amendments, land development regulations and changes thereto including zoning changes, and development orders. The affected local governments shall provide the military installation an opportunity to review and comment on comprehensive plans, plan amendments, land development regulations and changes thereto, and development orders. The local government shall consider those comments, if any, when adopting such plans or regulations or when approving development orders. Comments on plan amendments may be provided to the Department for consideration in its compliance review.*

(e) *Provide for the resolution of disputes between the military and local governments, which may include the dispute resolution processes contained in chapters 164 and 186.*

(f) *Provide for an oversight process, including an opportunity for public participation, for the implementation of the memorandum of agreement.*

(g) *Provide for the identification of amendments to the comprehensive plan needed to ensure compatibility with the military installation and consistency with the interlocal agreement.*

(4) *A memorandum of agreement entered into pursuant to this section must be consistent with the adopted comprehensive plan, or an amendment to such plan adopted within one year after execution of the agreement, and land development regulations of any local government that is a signatory.*

(5) *The commanding officer whose primary responsibility is the operation of the military installation is encouraged to provide information about any community planning assistance grants that might be available to the local government through the federal Office of Economic Adjustment, as an incentive for communities to participate in the Joint Land Use Study Program to facilitate the compatibility of community planning and activities vital to the national defense.*

Section 4. A new paragraph (m) is added to subsection (1) of section 163.3187, Florida Statutes, to read:

163.3187 Amendment of adopted comprehensive plan.—

(1) Amendments to comprehensive plans adopted pursuant to this part may be made not more than two times during any calendar year, except:

(m) *A comprehensive plan amendment that addresses compatibility with military installations pursuant to the military installation memorandum of agreement, does not count toward the limitation on the frequency of plan amendments.*

Section 5. A new paragraph (n) is added to subsection (2) of section 163.3191, Florida Statutes, to read:

163.3191 Evaluation and appraisal of comprehensive plan.—

(2) The report shall present an evaluation and assessment of the comprehensive plan and shall contain appropriate statements to update the comprehensive plan, including, but not limited to, words, maps, illustrations, or other media, related to:

(n) *An evaluation of the success or failure of the military installation memorandum of agreement in resolving land use compatibility in the proximity of military installations.*

And the title is amended as follows:

On page 1, lines 6-26, delete those lines and insert: amending s. 163.3164, F.S.; providing a definition of military installations; amending s. 163.3177, F.S.; providing for consideration of the compatibility with military installations in developing a future land use element to a comprehensive plan; providing for the state land planning agency to coordinate with the Department of Defense on use compatibility issues relating to military installations; creating s. 163.31779, F.S.; requiring certain counties and municipalities to enter into memoranda of agreement with military installations to coordinate future land use changes, local government comprehensive plans, land development regulations, and development orders; requiring a schedule for completion of such agreements; requiring local governments to seek public advice on such agreements; identifying provisions that must be included in such agreements at a minimum; requiring such agreements to be consistent with adopted comprehensive plans or amendments to such plans adopted within one year after execution of the agreement; providing for the provision of information regarding community planning assistance grants; amending s. 163.3187, F.S.; exempting from certain restrictions on the adoption of amendments to comprehensive plans an amendment that addresses compatibility with military installations based on a memorandum of agreement; amending s. 163.3191, F.S.; requiring an evaluation of the success or failure of the military installation memorandum of agreement in resolving land use compatibility; amending s.

MOTION

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

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

Amendment 2 (413416)—On page 5, line 23, after “*regulations*” insert: *or any portion thereof*

On motion by Senator Clary, **CS for CS for SB 2152** 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	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
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

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.

—was read the third time by title.

On motion by Senator Clary, **CS for SB 372** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Argenziano	Atwater
Alexander	Aronberg	Bennett

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

Nays—None

Vote after roll call:

Yea to Nay—Aronberg, Klein

CS for SB 276—A bill to be entitled An act relating to the Florida Kidcare Program; repealing s. 57 of chapter 98-288, Laws of Florida; abrogating the repeal of the Florida Kidcare Act; providing an effective date.

—was read the third time by title.

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

Yeas—39

Mr. President	Dawson	Miller
Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Garcia	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

CS for CS for SB 1712—A bill to be entitled An act relating to governmental reorganization; conforming the Florida Statutes to the amendment of Article IV, Section 4 of the State Constitution, in which the functions of the former positions of Comptroller and Treasurer were combined into the office of Chief Financial Officer, and chapter 2002-404, Laws of Florida, which reorganized certain executive-branch duties and functions to implement such constitutional amendment; amending ss. 11.12, 11.13, 11.147, 11.151, 11.40, 11.42, 14.057, 14.058, 14.203, 15.09, 16.10, 17.001, 17.002, 17.011, 17.02, 17.03, 17.031, 17.04, 17.0401, 17.041, 17.0415, 17.05, 17.075, 17.076, 17.08, 17.09, 17.10, 17.11, 17.12, 17.13, 17.14, 17.16, 17.17, 17.20, 17.21, 17.22, 17.25, 17.26, 17.27, 17.28, 17.29, 17.30, 17.32, 17.325, 17.41, 17.43, F.S.; transferring and amending ss. 18.01, 18.02, 18.021, 18.05, 18.06, 18.07, 18.08, 18.091, 18.10, 18.101, 18.103, 18.104, 18.125, 18.15, 18.17, 18.20, 18.23, 18.24, F.S.; amending ss. 20.04, 20.055, 20.121, 20.195, 20.425, 20.435, 24.105, 24.111, 24.112, 24.120, 25.241, 26.39, 27.08, 27.10, 27.11, 27.12, 27.13, 27.34, 27.3455, 27.703, 27.710, 27.711, 28.235, 28.24, 30.49, 30.52, 40.30, 40.31, 40.33, 40.34, 40.35, 43.16, 43.19, 48.151, 55.03, 57.091, 68.083, 68.084, 68.087, 68.092, 77.0305, 92.39, 99.097, 103.091, 107.11, 110.1127, 110.113, 110.114, 110.116, 110.1227, 110.1228, 110.123, 110.125, 110.181, 110.2037, 110.205, 112.061, 112.08, 112.191, 112.215, 112.3144, 112.3145, 112.3189, 112.31895, 112.3215, 112.63, 116.03, 116.04, 116.05, 116.06, 116.14, 120.52, 120.80, 121.051, 121.061, 121.133, 122.35, 125.0104, 129.201, 131.05, 137.09, 145.141, 154.02, 154.03, 154.05, 154.06, 154.209, 154.314, 163.01, 163.055, 163.3167, 166.111, 175.032, 175.101, 175.121, 175.151, 185.08, 185.10, 185.13, 189.4035, 189.412, 189.427, 190.007, 191.006, 192.091, 192.102, 193.092, 195.101, 198.29, 199.232, 203.01, 206.46, 210.16, 210.20, 210.50, 211.06, 211.31, 211.32, 212.08, 212.12, 212.20, 213.053, 213.054,

213.255, 213.67, 213.75, 215.02, 215.03, 215.04, 215.05, 215.11, 215.20, 215.22, 215.23, 215.24, 215.25, 215.26, 215.29, 215.31, 215.32, 215.3206, 215.3208, 215.322, 215.34, 215.35, 215.405, 215.42, 215.422, 215.50, 215.551, 215.552, 215.555, 215.559, 215.56005, 215.5601, 215.58, 215.684, 215.70, 215.91, 215.92, 215.93, 215.94, 215.965, 215.97, 216.0442, 216.102, 216.141, 216.177, 216.181, 216.183, 216.192, 216.212, 216.221, 216.222, 216.235, 216.237, 216.251, 216.271, 216.275, 216.292, 216.301, 217.07, 218.06, 218.23, 218.31, 218.321, 218.325, 220.151, 220.187, 220.62, 220.723, 238.11, 238.15, 238.172, 238.173, 250.22, 250.24, 250.26, 250.34, 252.62, 252.87, 253.025, 255.03, 255.052, 255.258, 255.503, 255.521, 257.22, 258.014, 259.032, 259.041, 265.53, 265.55, 267.075, 272.18, 280.02, 280.04, 280.041, 280.05, 280.051, 280.052, 280.053, 280.054, 280.055, 280.06, 280.07, 280.071, 280.08, 280.085, 280.09, 280.10, 280.11, 280.13, 280.16, 280.17, 280.18, 280.19, 282.1095, 284.02, 284.04, 284.05, 284.06, 284.08, 284.14, 284.17, 284.30, 284.31, 284.32, 284.33, 284.34, 284.35, 284.37, 284.385, 284.39, 284.40, 284.41, 284.42, 284.44, 284.50, 287.042, 287.057, 287.058, 287.059, 287.063, 287.064, 287.09451, 287.115, 287.131, 287.175, 288.1045, 288.106, 288.109, 288.1253, 288.709, 288.712, 288.776, 288.778, 288.901, 288.99, 289.051, 289.081, 289.121, 292.085, 313.02, 314.02, 316.3025, 316.545, 320.02, 320.081, 320.10, 320.71, 320.781, 322.21, 324.032, 324.171, 326.006, 331.303, 331.309, 331.3101, 331.348, 331.419, 336.022, 337.25, 339.035, 339.081, 344.17, 350.06, 354.03, 365.173, 370.06, 370.16, 370.19, 370.20, 373.503, 373.59, 373.6065, 374.983, 374.986, 376.11, 376.123, 376.307, 376.3071, 376.3072, 376.3075, 376.3078, 376.3079, 376.40, 377.23, 377.2425, 377.705, 378.035, 378.037, 378.208, 381.765, 381.90, 385.207, 388.201, 388.301, 391.025, 391.221, 392.69, 393.002, 393.075, 394.482, 400.0238, 400.063, 400.071, 400.4174, 400.4298, 400.471, 400.962, 401.245, 401.25, 402.04, 402.17, 402.33, 403.1835, 403.1837, 403.706, 403.724, 403.8532, 404.111, 406.58, 408.040, 408.05, 408.08, 408.18, 408.50, 408.7056, 408.902, 408.909, 409.175, 409.25656, 409.25658, 409.2673, 409.8132, 409.817, 409.818, 409.910, 409.912, 409.9124, 409.915, 411.01, 413.32, 414.27, 414.28, 420.005, 420.006, 420.101, 420.123, 420.131, 420.141, 420.5092, 430.42, 430.703, 440.015, 440.02, 440.05, 440.09, 440.10, 440.1025, 440.103, 440.105, 440.1051, 440.106, 440.107, 440.13, 440.134, 440.14, 440.17, 440.20, 440.24, 440.38, 440.381, 440.385, 440.386, 440.40, 440.44, 440.49, 440.50, 440.51, 440.515, 440.52, 440.525, 440.591, 443.131, 443.191, 443.211, 445.0325, 447.12, 450.155, 468.392, 468.529, 473.3065, 475.045, 475.484, 475.485, 489.114, 489.144, 489.145, 489.510, 489.533, 494.001, 494.0011, 494.0012, 494.00125, 494.0013, 494.0014, 494.0016, 494.00165, 494.0017, 494.0021, 494.0025, 494.0028, 494.0029, 494.00295, 494.0031, 494.0032, 494.0033, 494.0034, 494.0035, 494.0036, 494.0038, 494.004, 494.0041, 494.00421, 494.0061, 494.0062, 494.0064, 494.0065, 494.0066, 494.0067, 494.0069, 494.0072, 494.00721, 494.0076, 494.0079, 494.00795, 494.00797, 497.005, 497.101, 497.105, 497.107, 497.109, 497.115, 497.117, 497.131, 497.201, 497.253, 497.313, 497.403, 498.025, 498.049, 499.057, 501.212, 507.03, 509.215, 513.055, 516.01, 516.02, 516.03, 516.031, 516.05, 516.07, 516.11, 516.12, 516.22, 516.221, 516.23, 516.32, 516.33, 516.35, 517.021, 517.03, 517.051, 517.061, 517.07, 517.075, 517.081, 517.082, 517.101, 517.111, 517.12, 517.1201, 517.1203, 517.1204, 517.121, 517.131, 517.141, 517.151, 517.161, 517.181, 517.191, 517.201, 517.2015, 517.221, 517.241, 517.301, 517.302, 517.313, 517.315, 517.32, 518.115, 518.116, 518.15, 518.151, 518.152, 519.101, 520.02, 520.03, 520.07, 520.31, 520.32, 520.34, 520.52, 520.61, 520.63, 520.73, 520.76, 520.81, 520.83, 520.90, 520.994, 520.995, 520.996, 520.9965, 520.997, 520.998, 526.141, 537.003, 537.004, 537.005, 537.006, 537.008, 537.009, 537.011, 537.013, 537.016, 537.017, 548.066, 548.077, 550.0251, 550.054, 550.0951, 550.125, 550.135, 550.1645, 552.081, 552.161, 552.21, 552.26, 553.72, 553.73, 553.74, 553.79, 553.88, 554.1021, 554.105, 554.111, 559.10, 559.543, 559.544, 559.545, 559.546, 559.548, 559.55, 559.553, 559.555, 559.563, 559.725, 559.730, 559.785, 559.928, 559.9232, 560.102, 560.103, 560.105, 560.106, 560.107, 560.1073, 560.108, 560.109, 560.111, 560.112, 560.113, 560.114, 560.115, 560.116, 560.117, 560.118, 560.119, 560.121, 560.123, 560.125, 560.126, 560.127, 560.128, 560.129, 560.202, 560.205, 560.206, 560.207, 560.208, 560.209, 560.210, 560.211, 560.302, 560.305, 560.306, 560.307, 560.308, 560.309, 560.310, 560.402, 560.403, 560.404, 560.4041, 560.407, 560.408, 560.408, 561.051, 562.44, 567.08, 569.205, 569.215, 570.13, 570.195, 570.20, 574.03, 589.06, 597.010, 601.10, 601.15, 601.28, 607.0501, 607.14401, 609.05, 617.0501, 617.1440, 624.01, 624.05, 624.07, 624.09, 624.11, 624.124, 624.129, 624.155, 624.19, 624.302, 624.303, 624.307, 624.308, 624.310, 624.3102, 624.311, 624.312, 624.313, 624.314, 624.315, 624.316, 624.3161, 624.317, 624.318, 624.319, 624.320, 624.321, 624.322, 624.324, 624.33, 624.34, 624.401, 624.4031, 624.404, 624.4072, 624.4085, 624.40851, 624.4094, 624.4095, 624.410, 624.411, 624.412, 624.413, 624.4135, 624.414, 624.415, 624.416, 624.418, 624.420, 624.421, 624.4211, 624.422, 624.423, 624.424, 624.4241, 624.4243, 624.4245, 624.430, 624.4361, 624.437, 624.438, 624.439, 624.4392, 624.44, 624.441, 624.4411, 624.4412, 624.442, 624.443, 624.4431, 624.444, 624.445, F.S.; amending and re-numbering s. 624.4435, F.S.; amending ss. 624.45, 624.4621, 624.4622, 624.464, 624.466, 624.468, 624.470, 624.473, 624.4741, 624.476, 624.477, 624.480, 624.482, 624.484, 624.486, 624.487, 624.501, 624.5015, 624.502, 624.506, 624.509, 624.5091, 624.5092, 624.516, 624.517, 624.519, 624.521, 624.523, 624.6012, 624.605, 624.607, 624.609, 624.610, 624.80, 624.81, 624.82, 624.83, 624.84, 624.85, 624.86, 624.87, 625.01115, 625.012, 625.041, 625.051, 625.061, 625.071, 625.081, 625.091, 625.101, 625.121, 625.131, 625.141, 625.151, 625.161, 625.172, 625.181, 625.303, 625.305, 625.317, 625.322, 625.324, 625.325, 625.326, 625.330, 625.331, 625.332, 625.333, 625.338, 625.52, 625.53, 625.55, 625.56, 625.57, 625.58, 625.62, 625.63, 625.75, 625.76, 625.78, 625.79, 625.80, 625.82, 625.83, 626.015, F.S.; creating s. 626.016, F.S.; prescribing powers and duties of the Department of Financial Services, Financial Services Commission, and Office of Insurance Regulation; amending ss. 626.025, 626.112, 626.161, 626.171, 626.181, 626.191, 626.201, 626.202, 626.211, 626.221, 626.231, 626.241, 626.251, 626.261, 626.266, 626.271, 626.281, 626.2815, 626.2817, 626.291, 626.292, 626.301, 626.322, 626.361, 626.371, 626.381, 626.431, 626.451, 626.461, 626.471, 626.511, 626.521, 626.541, 626.551, 626.561, 626.591, 626.592, 626.601, 626.611, 626.621, 626.631, 626.641, 626.661, 626.681, 626.691, 626.692, 626.7315, 626.732, 626.742, 626.7451, 626.7454, 626.7491, 626.7492, 626.752, 626.7845, 626.7851, 626.8305, 626.8311, 626.8427, 626.8463, 626.8467, 626.847, 626.8473, 626.8582, 626.8584, 626.859, 626.861, 626.863, 626.865, 626.866, 626.867, 626.869, 626.8695, 626.8696, 626.8697, 626.8698, 626.870, 626.871, 626.872, 626.873, 626.8732, 626.8734, 626.8736, 626.8738, 626.874, 626.878, 626.88, 626.8805, 626.8809, 626.8814, 626.884, 626.89, 626.891, 626.892, 626.894, 626.895, 626.896, 626.897, 626.898, 626.899, 626.901, 626.906, 626.907, 626.909, 626.910, 626.912, 626.914, 626.916, 626.917, 626.918, 626.919, 626.921, 626.931, 626.932, 626.936, 626.9361, 626.937, 626.938, 626.9511, 626.9541, 626.9545, 626.9551, 626.9561, 626.9571, 626.9581, 626.9591, 626.9601, 626.9611, 626.9621, 626.9631, 626.9641, 626.9651, 626.989, 626.9892, 626.99, 626.9911, 626.9912, 626.9913, 626.9914, 626.9915, 626.9916, 626.9919, 626.9921, 626.9922, 626.99235, 626.99245, 626.9925, 626.9926, 626.9927, 626.99272, 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627.6488, 627.649, 627.6494, 627.6498, 627.6499, 627.6515, 627.6561, 627.6571, 627.6675, 627.6685, 627.6692, 627.6699, 627.673, 627.6735, 627.674, 627.6741, 627.6742, 627.6744, 627.6745, 627.678, 627.6785, 627.682, 627.6844, 627.6845, 627.701, 627.7011, 627.7012, 627.7015, 627.7017, 627.702, 627.706, 627.727, 627.7275, 627.728, 627.7282, 627.7295, 627.736, 627.739, 627.7401, 627.744, 627.758, 627.7711, 627.777, 627.7773, 627.780, 627.782, 627.783, 627.7843, 627.7845, 627.786, 627.7865, 627.791, 627.793, 627.798, 627.805, 627.8055, 627.828, 627.829, 627.832, 627.833, 627.834, 627.836, 627.838, 627.840, 627.8405, 627.848, 627.849, 627.912, 627.9122, 627.9126, 627.913, 627.914, 627.915, 627.917, 627.9175, 627.918, 627.919, 627.9403, 627.9404, 627.9405, 627.9406, 627.9407, 627.94072, 627.94074, 627.9408, 627.942, 627.943, 627.944, 627.948, 627.950, 627.951, 627.952, 627.954, 627.971, 627.972, 627.973, 627.974, 627.986, 627.987, 628.051, 628.061, 62.071, 628.091, 628.101, 628.111, 628.152, 628.161, 628.171, 628.221, 628.251, 628.255, 628.261, 628.271, 628.281, 628.341, 628.351, 628.371, 628.391, 628.401, 628.411, 628.421, 628.431, 628.441, 628.451, 628.461, 628.4615, 628.471, 628.481, 628.491, 628.501, 628.511, 628.520, 628.525, 628.530, 628.535, 628.6013, 628.6014, 628.6017, 628.705, 628.707, 628.711, 628.713, 628.715, 628.717, 628.719, 628.721, 628.725, 628.729, 628.730, 628.733, 628.801, 628.802, 628.803, 628.905, 628.911, 628.913, 628.917, 629.081, 629.101, 629.121, 629.131, 629.161, 629.171, 629.181, 629.231, 629.241, 629.261, 629.281, 629.291, 629.301, 629.401, 629.520, 630.021, 630.031, 630.051, 630.071, 630.081, 630.091, 630.101, 630.131, 630.151,

630.161, 631.021, 631.025, 631.031, 631.051, 631.081, 631.152, 631.221, 631.231, 631.391, 631.392, 631.398, 631.54, 631.55, 631.56, 631.57, 631.59, 631.62, 631.66, 631.714, 631.72, 631.722, 631.723, 631.727, 631.813, 631.814, 631.818, 631.820, 631.821, 631.823, 631.825, 631.904, 631.911, 631.912, 631.917, 631.918, 631.931, 632.611, 632.612, 632.614, 632.615, 632.616, 632.621, 632.622, 632.627, 632.628, 632.629, 632.631, 632.632, 632.633, 632.637, 633.01, 633.022, 633.025, 633.052, 633.061, 633.081, 633.111, 633.161, 633.162, 633.30, 633.31, 633.353, 633.382, 633.43, 633.445, 633.45, 633.46, 633.461, 633.47, 633.50, 633.524, 633.802, 633.811, 633.814, 634.011, 634.021, 634.031, 634.041, 634.044, 634.045, 634.052, 634.053, 634.061, 634.081, 634.095, 634.101, 634.111, 634.121, 634.1213, 634.1216, 634.137, 634.141, 634.151, 634.161, 634.181, 634.191, 634.211, 634.221, 634.231, 634.242, 634.253, 634.261, 634.282, 634.283, 634.284, 634.285, 634.286, 634.287, 634.288, 634.289, 634.301, 634.302, 634.303, 634.304, 634.305, 634.306, 634.307, 634.3077, 634.3078, 634.308, 634.310, 634.311, 634.3112, 634.312, 634.3123, 634.3126, 634.313, 634.314, 634.320, 634.321, 634.324, 634.325, 634.327, 634.3284, 634.336, 634.337, 634.338, 634.339, 634.34, 634.341, 634.342, 634.343, 634.344, 634.345, 634.348, 634.401, 634.402, 634.403, 634.404, 634.405, 634.406, 634.4061, 634.4065, 634.407, 634.409, 634.411, 634.413, 634.414, 634.4145, 634.415, 634.416, 634.422, 634.423, 634.426, 634.427, 634.428, 634.430, 634.433, 634.437, 634.438, 634.439, 634.44, 634.441, 634.442, 634.443, 634.444, 635.011, 635.031, 635.041, 635.042, 635.071, 635.081, 636.003, 636.006, 636.007, 636.008, 636.009, 636.015, 636.016, 636.017, 636.018, 636.025, 636.029, 636.036, 636.037, 636.038, 636.039, 636.043, 636.045, 636.046, 636.047, 636.048, 636.049, 636.052, 636.053, 636.055, 636.056, 636.057, 636.058, 636.062, 636.063, 636.064, 636.067, 641.185, 641.19, 641.2017, 641.2018, 641.21, 641.215, 641.22, 641.225, 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651.026, 651.0261, 651.028, 651.033, 651.035, 651.051, 651.055, 651.083, 651.085, 651.091, 651.095, 651.105, 651.106, 651.107, 651.108, 651.1081, 651.111, 651.114, 651.1151, 651.118, 651.119, 651.121, 651.123, 651.125, 651.134, 655.001, 655.005, 655.012, 655.015, 655.016, 655.031, 655.032, 655.0321, 655.0322, 655.033, 655.034, 655.037, 655.0385, 655.0386, 655.0391, 655.041, 655.043, 655.044, 655.045, 655.047, 655.049, 655.057, 655.059, 655.061, 655.071, 655.411, 655.412, 655.414, 655.416, 655.418, 655.50, 655.60, 655.762, 655.89, 655.90, 655.922, 655.942, 655.943, 655.948, 655.949, 655.963, 657.002, 657.005, 657.0061, 657.008, 657.021, 657.026, 657.028, 657.031, 657.033, 657.0335, 657.038, 657.042, 657.043, 657.053, 657.062, 657.063, 657.064, 657.065, 657.066, 657.068, 658.12, 658.16, 658.165, 658.19, 658.20, 658.21, 658.22, 658.23, 658.235, 658.24, 658.25, 658.26, 658.27, 658.28, 658.285, 658.295, 658.2953, 658.296, 658.32, 658.33, 658.34, 658.35, 658.36, 658.37, 658.39, 658.40, 658.41, 658.42, 658.43, 658.44, 658.45, 658.48, 658.53, 658.67, 658.68, 658.73, 658.79, 658.80, 658.81, 658.82, 658.83, 658.84, 658.90, 658.94, 658.95, 658.96, 658.995, 660.26, 660.265, 660.27, 660.28, 660.33, 660.40, 660.47, 660.48, 663.02, 663.04, 663.05, 663.055, 663.06, 663.061, 663.064, 663.065, 663.07, 663.08, 663.083, 663.09, 663.10, 663.11, 663.12, 663.13, 663.14, 663.16, 663.17, 663.171, 663.172, 663.173, 663.174, 663.175, 663.176, 663.177, 663.178, 663.18, 663.181, 663.301, 663.302, 663.303, 663.304, 663.305, 663.306, 663.308, 663.309, 663.311, 663.312, 663.316, 663.319, 665.012, 665.013, 665.0315, 665.033, 665.0335, 665.034, 665.0345, 665.0711, 665.1001, 667.002, 667.003, 667.005, 667.006, 667.007, 667.008, 667.013, 687.13, 687.14, 687.141, 687.143, 687.144, 687.145, 687.148, 697.05, 713.596, 716.02, 716.03, 716.04, 716.05, 716.06, 716.07, 717.101, 717.117, 717.135, 717.138, 718.501, 719.501, 721.24, 721.26, 723.006, 732.107, 733.816, 744.534, 766.105, 766.115, 766.314, 766.315, 768.28, 790.001, 790.1612, 791.01, 791.015, 817.16, 817.234, 817.2341, 817.50, 839.06, 849.086, 849.33, 860.154, 860.157, 896.102, 896.104, 903.09, 903.101, 903.27, 925.037, 932.7055, 932.707, 938.27, 939.13, 943.031, 943.032, 944.516, 946.33, 946.509, 946.5095, 946.510, 946.517, 946.522, 946.525, 947.12, 950.002, 957.04, 985.406, 985.409, 1000.05, 1001.23, 1002.36, 1002.38, 1002.39, 1003.48, 1004.30, 1004.725, 1006.29,

1006.33, 1006.34, 1006.39, 1008.33, 1009.265, 1009.54, 1009.56, 1009.66, 1009.72, 1009.73, 1009.765, 1009.77, 1009.971, 1009.972, 1010.56, 1010.74, 1010.75, 1011.10, 1011.17, 1011.18, 1011.4105, 1011.57, 1011.94, 1012.59, 1012.79, 1013.79, F.S.; repealing s. 17.06, F.S., relating to items and accounts disallowed by the Comptroller; s. 18.03, F.S., relating to residence and office of the Treasurer; s. 18.09, F.S., relating to delivery to the Legislature of the annual report of the Treasurer; s. 18.22, F.S., relating to rulemaking authority of the Department of Banking and Finance; s. 20.12, F.S., relating to the Department of Banking and Finance; s. 20.13, F.S., relating to the Department of Insurance; s. 440.135, F.S., relating to pilot programs for medical and remedial care in workers' compensation; s. 624.305, F.S., relating to prohibited financial interests; s. 624.4071, F.S., relating to special purpose homeowner insurance companies; s. 624.463, F.S., relating to conversion of self-insurance funds; s. 627.0623, F.S., relating to restrictions on expenditures and solicitations of insurers and affiliates; s. 627.3516, F.S., relating to residential property insurance market coordinating council; s. 627.7825, F.S., relating to alternative rate adoption; s. 655.019, F.S., relating to campaign contribution limitations; s. 657.067, F.S., relating to conversion from federal to state charter and to requirements for application approval; and ss. 657.25-657.269, relating to the Florida Credit Union Guaranty Corporation, Inc.; providing for retroactive applicability; providing that this act and chapter 2002-404, Laws of Florida, do not affect the validity of certain administrative or judicial action prior to or pending on January 7, 2003; providing that filings or actions approved or authorized by the Department of Insurance or the Department of Banking and Finance prior to that date may continue to be used or be effective until otherwise successor agencies otherwise prescribe; providing an effective date.

—as amended April 24 was read the third time by title.

On motion by Senator Posey, **CS for CS for SB 1712** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Miller
Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Garcia	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

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.

—was read the third time by title.

On motion by Senator Bennett, **CS for SB 2746** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Argenziano	Atwater
Alexander	Aronberg	Bennett

Bullard	Garcia	Posey
Campbell	Geller	Pruitt
Carlton	Haridopolos	Saunders
Clary	Hill	Sebesta
Constantine	Jones	Siplin
Cowin	Klein	Smith
Crist	Lawson	Villalobos
Dawson	Lee	Wasserman Schultz
Diaz de la Portilla	Lynn	Webster
Dockery	Miller	Wilson
Fasano	Peaden	Wise
Nays—None		

SENATOR VILLALOBOS PRESIDING

CS for CS for SB 1428—A bill to be entitled An act relating to Medicaid audits of pharmacies; providing requirements for an audit conducted of the Medicaid-related records of a pharmacy licensed under ch. 465, F.S.; requiring that a pharmacist be provided prior notice of the audit; providing that a pharmacist is not subject to criminal penalties without proof of intent to commit fraud; providing that an underpayment or overpayment may not be based on certain projections; requiring that all pharmacies be audited under the same standards; limiting the period that may be covered by an audit; requiring that the Agency for Health Care Administration establish a procedure for conducting a preliminary review; authorizing the agency to establish peer-review panels; requiring that the agency dismiss an unfavorable audit report if it or a review panel finds that the pharmacist did not commit intentional fraud; exempting certain audits conducted by the Medicaid Fraud Control Unit of the Department of Legal Affairs; providing an effective date.

—as amended April 24 was read the third time by title.

On motion by Senator Peaden, **CS for CS for SB 1428** as amended was passed and certified to the House. The vote on passage was:

Yeas—36

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	Wasserman Schultz
Cowin	Lawson	Webster
Crist	Lee	Wilson
Dawson	Lynn	Wise

Nays—None

Vote after roll call:

Yea—Constantine, Villalobos

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 venue; providing for a hearing to determine a prima facie case; 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.

—as amended April 24 was read the third time by title.

MOTION

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

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

Amendment 1 (875122)—On page 2, line 27, delete “*general public importance*” and insert: *great public interest*

On motion by Senator Villalobos, **CS for SB 1214** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

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
Crist	Lynn	Wise
Dawson	Miller	

Nays—1

Cowin

INTRODUCTION OF FORMER SENATORS

The President introduced former Senators, Congressman Mark Foley and Attorney General Charlie Crist, who were present in the chamber.

CS for CS for SB 1732—A bill to be entitled An act relating to early voting; amending s. 101.657, F.S.; requiring supervisors of elections to allow electors to vote early; providing requirements for the location and number of early voting facilities; specifying the period and hours of operation; requiring supervisors of elections to provide notice of early voting; requiring the Department of State to adopt rules; providing a penalty for failure to provide for early voting; amending s. 101.5612, F.S.; modifying the timeframe for testing voting equipment; amending s. 101.5613, F.S.; providing for periodic examination of equipment during early voting; creating s. 101.659, F.S.; providing for a voter to cast an in-person absentee ballot as formerly provided under s. 101.657, F.S., to conform; amending s. 101.62, F.S.; conforming a cross-reference; providing an effective date.

—as amended April 24 was read the third time by title.

On motion by Senator Cowin, **CS for CS for SB 1732** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

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

Villalobos Webster Wise
 Wasserman Schultz Wilson
 Nays—None

CS for SB 2248—A bill to be entitled An act relating to charitable youth organizations; creating s. 255.60, F.S.; authorizing the state and its political subdivisions to contract with charitable youth organizations for certain public service work; providing for contracts and award limit; providing limitations; providing an effective date.

—was read the third time by title.

On motion by Senator Wasserman Schultz, **CS for SB 2248** was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
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
Dawson	Miller	

Nays—None

CS for SB 2114—A bill to be entitled An act relating to voter education; requiring district school boards and county supervisors of elections jointly to provide a program of voter education for high-school seniors; providing guidelines for the content of the educational program; requiring that the program of voter education be conducted during school hours; providing for use of county voting equipment in certain school elections; providing an effective date.

—was read the third time by title.

On motion by Senator Sebesta, **CS for SB 2114** was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
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
Dawson	Miller	

Nays—None

SB 2826—A bill to be entitled An act relating to the tobacco settlement agreement; creating s. 569.23, F.S.; limiting the amount of appeal bond that may be ordered; providing exceptions; providing an effective date.

—as amended April 24 was read the third time by title.

On motion by Senator Haridopolos, **SB 2826** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
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
Dawson	Miller	

Nays—None

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.

—was read the third time by title.

On motion by Senator Wise, **CS for CS for SB 958** was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
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
Dawson	Miller	

Nays—None

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. 20.4351(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 deposits 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 Department 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.

—was read the third time by title.

On motion by Senator Pruitt, **CS for SB 418** was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Aronberg	Bennett
Argenziano	Atwater	Bullard

Campbell	Geller	Pruitt
Carlton	Haridopolos	Saunders
Clary	Hill	Sebesta
Constantine	Jones	Siplin
Cowin	Klein	Smith
Crist	Lawson	Villalobos
Dawson	Lee	Wasserman Schultz
Diaz de la Portilla	Lynn	Webster
Dockery	Miller	Wilson
Fasano	Peaden	Wise
Garcia	Posey	

Nays—None

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; amending s. 220.02, F.S.; providing for the order of tax credits; amending s. 220.13, F.S.; providing an add-back to adjusted federal income; providing an effective date.

—as amended April 24 was read the third time by title.

On motion by Senator Lee, **CS for SB 2062** as amended was passed and certified to the House. The vote on passage was:

Yeas—26

Mr. President	Cowin	Lynn
Alexander	Crist	Peaden
Argenziano	Diaz de la Portilla	Posey
Atwater	Dockery	Pruitt
Bennett	Fasano	Sebesta
Campbell	Haridopolos	Villalobos
Carlton	Jones	Webster
Clary	Lawson	Wise
Constantine	Lee	

Nays—11

Aronberg	Hill	Smith
Bullard	Klein	Wasserman Schultz
Dawson	Miller	Wilson
Geller	Siplin	

Vote after roll call:

Yea—Garcia, Saunders

CS for SB 56—A bill to be entitled An act relating to health care; amending s. 408.036, F.S.; providing an exemption from certificate-of-need requirements for certain open-heart-surgery programs; providing criteria for qualifying for the exemption; requiring the Agency for Health Care Administration to report to the Legislature; providing for expiration of the exemption; providing an effective date.

—was read the third time by title.

On motion by Senator Wise, **CS for SB 56** was passed and certified to the House. The vote on passage was:

Yeas—36

Alexander	Bullard	Crist
Argenziano	Campbell	Dawson
Aronberg	Clary	Diaz de la Portilla
Atwater	Constantine	Dockery
Bennett	Cowin	Fasano

Garcia	Lee	Siplin
Geller	Lynn	Smith
Haridopolos	Miller	Villalobos
Hill	Peaden	Wasserman Schultz
Jones	Posey	Webster
Klein	Pruitt	Wilson
Lawson	Sebesta	Wise
Nays—1		
Carlton		

CS for CS for SB 250—A bill to be entitled An act relating to rural hospitals; amending ss. 395.602 and 408.07, F.S.; revising the definition of the term “rural hospital”; creating s. 395.6025, F.S.; authorizing exemptions from certificate-of-need review for the construction of a new or replacement facility for a rural hospital; providing conditions for eligibility for the exemption; amending s. 766.314, F.S.; expanding the definition of the term “infant delivered” for the purposes of payment of an initial assessment for each infant delivered in a hospital; providing an effective date.

—as amended April 24 was read the third time by title.

On motion by Senator Peaden, **CS for CS for SB 250** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
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	
Dawson	Miller	

Nays—None

SPECIAL ORDER CALENDAR

Consideration of **CS for CS for SB 1856**, **CS for CS for SB 742**, **CS for CS for SB 2414** and **CS for SB 2296** was deferred.

On motion by Senator Cowin—

CS for SB 1500—A bill to be entitled An act relating to elections; amending s. 97.012, F.S.; requiring the Secretary of State to create and maintain a statewide voter registration database and designate an office within the department which provides voter information to absent and overseas voters; amending s. 97.021, F.S.; deleting the definition of “central voter file”; revising the definition of “provisional ballot”; amending s. 97.052, F.S.; providing additional requirements for the uniform statewide voter registration application; amending s. 97.053, F.S.; revising requirements for accepting a voter registration application; creating s. 97.0535, F.S.; providing additional application requirements for a voter who registers by mail and who has not previously voted in the county; specifying forms of identification that may be used by the applicant; creating s. 97.028, F.S.; providing procedures under which a person may file a complaint with the Department of State alleging a violation of the Help America Vote Act of 2002; providing that such proceedings are exempt from ch. 120, F.S.; providing for review by a hearing officer; providing for a final determination by the department; providing for mediation under certain circumstances; repealing s. 98.097, F.S., relating to a central voter file; amending s. 98.0977, F.S., relating to the statewide voter registration database; deleting obsolete references relating to the statewide voter registration database; directing the Department of State to develop the Statewide Voter Registration System to meet the requirements of the Help America Vote Act of 2002; requiring

the department to certify certain facts to the Election Assistance Commission in order to qualify for a waiver and extension of time; requiring a report to the Governor and the Legislature; amending s. 98.461, F.S.; requiring that the precinct register be used at the polls in lieu of the registration books; revising requirements for the register; transferring, renumbering, and amending s. 98.471, F.S.; providing requirements for identifying electors at the polls; providing requirements for certain first-time voters who register by mail; amending s. 101.048, F.S., relating to provisional ballots; requiring the department to prescribe the form of the provisional ballot envelope; authorizing the supervisor of elections to provide the ballot by an electronic means; providing requirements for casting ballots and determining whether the ballot was counted; creating s. 101.049, F.S.; providing procedures for casting certain provisional ballots after the polls close; amending s. 101.111, F.S.; revising procedures for challenging the right of a person to vote; revising the forms used with respect to such challenge; requiring a decision concerning such challenge by the clerk and inspectors; amending ss. 101.62 and 101.64, F.S., relating to absentee ballots; conforming provisions to changes made by the act; amending s. 101.65, F.S.; requiring that additional instructions be provided to absent electors; amending s. 101.657, F.S.; revising identification requirements for persons casting absentee ballots in the office of the supervisor of elections; providing for provisional ballots for certain first-time voters; creating s. 101.6921, F.S.; providing requirements for the delivery of a special absentee ballot to a first-time voter who registered by mail; specifying the form of the voter's certificate; requiring that a voter's signature be witnessed; providing requirements for mailing; creating s. 101.6923, F.S.; specifying the ballot instructions that must be provided to first-time voters who registered to vote by mail; creating s. 101.6925, F.S.; requiring the supervisor of elections to receive voted special absentee ballots; providing requirements for canvassing the ballots; amending s. 101.694, F.S.; providing for the federal postcard application to apply to absentee ballot requests for certain future general elections; amending s. 102.141, F.S.; providing requirements for canvassing certain provisional ballots; suspending operation of the second primary election until January 1, 2006; providing a date in 2004 by which candidates for Lieutenant Governor must be designated and qualified; providing campaign finance reporting dates and contribution limits for the 2004 elections; amending s. 106.011, F.S.; redefining the terms "political committee," "independent expenditure," and "person"; amending s. 106.021, F.S.; exempting leadership fund expenditures for communications jointly endorsing three or more candidates from the limits applicable to candidate contributions; amending s. 106.025, F.S.; exempting certain leadership fund fundraisers from campaign fund raiser requirements; amending s. 106.04, F.S.; modifying reporting requirements for committees of continuous existence that make contributions to leadership funds; amending s. 106.08, F.S.; exempting leadership funds from the limits applicable to contributions to candidates and political committees supporting candidates; prescribing the amount a candidate may accept in contributions from leadership funds; exempting contributions from leadership funds from the statutory proscription against making indirect contributions; limiting the activities of leaders with regard to soliciting from, and making contributions to, charitable and philanthropic groups; prohibiting leaders from accepting earmarked contributions designed to benefit a specific candidate; prohibiting leaders who are candidates from using their own leadership funds to support their own candidacy; prescribing penalties; amending s. 106.147, F.S.; redefining the term "person" to include leadership funds for purposes of telephone solicitation requirements; amending s. 106.148, F.S.; subjecting leadership funds to computer solicitation disclosure requirements; amending s. 106.17, F.S.; authorizing leaders to conduct certain polls and surveys relating to candidacies; amending s. 106.29, F.S.; subjecting leadership funds to the same periodic campaign finance reporting requirements as executive committees of political parties; requiring the Division of Elections to provide a campaign finance form for reporting leadership fund contributions and expenditures; providing an exemption from leadership fund reporting requirements for periods of inactivity; prescribing penalties; amending s. 106.295, F.S.; redefining the terms "leadership fund" and "leader"; authorizing leadership funds; requiring the creation of a primary leadership depository; mandating the appointment of a leadership fund treasurer; prescribing the method for making leadership fund expenditures; authorizing the use of petty cash funds; requiring the leadership fund treasurer to maintain records and accounts in a certain manner for a specified period; amending s. 106.33, F.S.; modifying the contribution limits applicable to candidates accepting public financing; amending s. 106.011, F.S.; redefining the term "communications media"; amending s. 106.11, F.S.; extending the time for unopposed candidates to purchase "thank you" advertising; amending s. 106.141, F.S.; extending the date

for unopposed candidates to file a termination report, to conform; creating s. 106.1433, F.S.; establishing reporting requirements for certain political electioneering advertisements intended to influence public policy; prescribing prohibitions and exemptions; prescribing penalties; amending s. 106.1437, F.S.; exempting electioneering ads from disclaimer requirements applicable to miscellaneous advertisements, to conform; providing for severability; providing effective dates.

—was read the second time by title.

Senator Lee moved the following amendment:

Amendment 1 (420276)(with title amendment)—On page 50, line 20 through page 80, line 20, delete those lines and insert:

Section 25. Effective upon this act becoming a law, section 99.103, Florida Statutes, is amended to read:

99.103 Department of State to remit part of filing fees and party assessments of candidates to state executive committee *and leadership funds*.—

(1) *Except as provided in subsection (2)*, if more than three-fourths of the full authorized membership of the state executive committee of any party was elected at the last previous election for such members and if such party is declared by the Department of State to have recorded on the registration books of the counties, as of the first Tuesday after the first Monday in January prior to the first primary in general election years, 5 percent of the total registration of such counties when added together, such committee shall receive, for the purpose of meeting its expenses, all filing fees collected by the Department of State from its candidates less an amount equal to 15 percent of the filing fees, which amount the Department of State shall deposit in the General Revenue Fund of the state.

(2) *For state legislative candidates, the leadership fund of the political party of the house to which the candidate seeks office, provided such leadership fund exists, shall receive all filing fees collected by the Department of State from such candidates less an amount equal to 15 percent of the filing fees, which amount the Department of State shall deposit in the General Revenue Fund of the state.*

(3)(2) Not later than 20 days after the close of qualifying in even-numbered years, the Department of State shall remit 95 percent of all filing fees, less the amount deposited in general revenue pursuant to subsection (1), or party assessments that may have been collected by the department to the respective state executive committees of the parties complying with subsection (1) or *leadership fund as provided in subsection (2)*. Party assessments collected by the Department of State shall be remitted to the appropriate *leadership fund* or state executive committee, irrespective of other requirements of this section, provided such committee is duly organized under the provisions of chapter 103. The remainder of filing fees or party assessments collected by the Department of State shall be remitted to the appropriate *leadership fund* or state executive committees not later than the date of the first primary.

Section 26. Effective upon becoming a law, subsection (1) of section 99.092, Florida Statutes, is amended to read:

99.092 Qualifying fee of candidate; notification of Department of State.—

(1) Each person seeking to qualify for nomination or election to any office, except a person seeking to qualify by the alternative method pursuant to s. 99.095, s. 99.0955, or s. 99.096 and except a person seeking to qualify as a write-in candidate, shall pay a qualifying fee, which shall consist of a filing fee and election assessment, to the officer with whom the person qualifies, and any party assessment levied, and shall attach the original or signed duplicate of the receipt for his or her party assessment or pay the same, in accordance with the provisions of s. 103.121, at the time of filing his or her other qualifying papers. The amount of the filing fee is 3 percent of the annual salary of the office. The amount of the election assessment is 1 percent of the annual salary of the office sought. The election assessment shall be deposited into the Elections Commission Trust Fund. The amount of the party assessment is 2 percent of the annual salary. The annual salary of the office for purposes of computing the filing fee, election assessment, and party assessment shall be computed by multiplying 12 times the monthly salary, excluding any special qualification pay, authorized for such office

as of July 1 immediately preceding the first day of qualifying. No qualifying fee shall be returned to the candidate unless the candidate withdraws his or her candidacy before the last date to qualify. If a candidate dies prior to an election and has not withdrawn his or her candidacy before the last date to qualify, the candidate's qualifying fee shall be returned to his or her designated beneficiary, and, if the filing fee or any portion thereof has been transferred to the political party of the candidate or any leadership fund thereof, the Secretary of State shall direct the party or leadership fund to return that portion to the designated beneficiary of the candidate.

(2) The supervisor of elections shall, immediately after the last day for qualifying, submit to the Department of State a list containing the names, party affiliations, and addresses of all candidates and the offices for which they qualified.

Section 27. Effective upon this act becoming a law, subsections (1), (5), and (8) of section 106.011, Florida Statutes, are amended to read:

106.011 Definitions.—As used in this chapter, the following terms have the following meanings unless the context clearly indicates otherwise:

(1)(a) "Political committee" means:

1. A combination of two or more individuals, or a person other than an individual, that, in an aggregate amount in excess of \$500 during a single calendar year:

a. Accepts contributions for the purpose of making contributions to any candidate, political committee, committee of continuous existence, leadership fund, or political party;

b. Accepts contributions for the purpose of expressly advocating the election or defeat of a candidate or the passage or defeat of an issue;

c. Makes expenditures that expressly advocate the election or defeat of a candidate or the passage or defeat of an issue; or

d. Makes contributions to a common fund, other than a joint checking account between spouses, from which contributions are made to any candidate, political committee, committee of continuous existence, leadership fund, or political party.

2. The sponsor of a proposed constitutional amendment by initiative who intends to seek the signatures of registered electors.

(b) Notwithstanding paragraph (a), the following entities are not considered political committees for purposes of this chapter:

1. Organizations which are certified by the Department of State as committees of continuous existence pursuant to s. 106.04, leadership funds, national political parties, and the state and county executive committees of political parties regulated by chapter 103.

2. Corporations regulated by chapter 607 or chapter 617 or other business entities formed for purposes other than to support or oppose issues or candidates, if their political activities are limited to contributions to candidates, political parties, leadership funds, or political committees or expenditures in support of or opposition to an issue from corporate or business funds and if no contributions are received by such corporations or business entities.

(5)(a) "Independent expenditure" means an expenditure by a person for the purpose of advocating the election or defeat of a candidate or the approval or rejection of an issue, which expenditure is not controlled by, coordinated with, or made upon consultation with, any candidate, political committee, or agent of such candidate or committee. An expenditure for such purpose by a person having a contract with the candidate, political committee, or agent of such candidate or committee in a given election period shall not be deemed an independent expenditure.

(b) An expenditure for the purpose of advocating the election or defeat of a candidate which is made by the national, state, or county executive committee of a political party, including any subordinate committee of a national, state, or county committee of a political party, by a leadership fund, or by any political committee or committee of continuous existence, or any other person, shall not be considered an independent expenditure if the committee or person:

1. Communicates with the candidate, the candidate's campaign, or an agent of the candidate acting on behalf of the candidate, including any pollster, media consultant, advertising agency, vendor, advisor, or staff member, concerning the preparation of, use of, or payment for, the specific expenditure or advertising campaign at issue; or

2. Makes a payment in cooperation, consultation, or concert with, at the request or suggestion of, or pursuant to any general or particular understanding with the candidate, the candidate's campaign, a political committee supporting the candidate, or an agent of the candidate relating to the specific expenditure or advertising campaign at issue; or

3. Makes a payment for the dissemination, distribution, or republication, in whole or in part, of any broadcast or any written, graphic, or other form of campaign material prepared by the candidate, the candidate's campaign, or an agent of the candidate, including any pollster, media consultant, advertising agency, vendor, advisor, or staff member; or

4. Makes a payment based on information about the candidate's plans, projects, or needs communicated to a member of the committee or person by the candidate or an agent of the candidate, provided the committee or person uses the information in any way, in whole or in part, either directly or indirectly, to design, prepare, or pay for the specific expenditure or advertising campaign at issue; or

5. After the last day of qualifying for statewide or legislative office, consults about the candidate's plans, projects, or needs in connection with the candidate's pursuit of election to office and the information is used in any way to plan, create, design, or prepare an independent expenditure or advertising campaign, with:

a. Any officer, director, employee, or agent of a leadership fund, including a leader, or a national, state, or county executive committee of a political party that has made or intends to make expenditures in connection with or contributions to the candidate; or

b. Any person whose professional services have been retained by a leadership fund or a national, state, or county executive committee of a political party that has made or intends to make expenditures in connection with or contributions to the candidate; or

6. After the last day of qualifying for statewide or legislative office, retains the professional services of any person also providing those services to the candidate in connection with the candidate's pursuit of election to office; or

7. Arranges, coordinates, or directs the expenditure, in any way, with the candidate or an agent of the candidate.

(8) "Person" means an individual or a corporation, association, firm, partnership, joint venture, joint stock company, club, organization, estate, trust, business trust, syndicate, or other combination of individuals having collective capacity. The term includes a leadership fund, political party, political committee, or committee of continuous existence.

Section 28. Effective upon this act becoming a law, subsection (3) of section 106.021, Florida Statutes, is amended to read:

106.021 Campaign treasurers; deputies; primary and secondary depositories.—

(3) Except for independent expenditures, no contribution or expenditure, including contributions or expenditures of a candidate or of the candidate's family, shall be directly or indirectly made or received in furtherance of the candidacy of any person for nomination or election to political office in the state or on behalf of any political committee except through the duly appointed campaign treasurer of the candidate or political committee; however, a candidate or any other individual may be reimbursed for expenses incurred for travel, food and beverage, office supplies, and mementos expressing gratitude to campaign supporters by a check drawn upon the campaign account and reported pursuant to s. 106.07(4). In addition, expenditures may be made directly by any political committee, leadership fund, or political party regulated by chapter 103 for obtaining time, space, or services in or by any communications medium for the purpose of jointly endorsing three or more candidates, and any such expenditure shall not be considered a contribution or expenditure to or on behalf of any such candidates for the purposes of this chapter.

Section 29. Effective upon this act becoming a law, section 106.025, Florida Statutes, is amended to read:

106.025 Campaign fund raisers.—

(1)(a) No campaign fund raiser may be held unless the person for whom such funds are to be so used is a candidate for public office.

(b) All money and contributions received with respect to such a campaign fund raiser shall be deemed to be campaign contributions, and shall be accounted for, and subject to the same restrictions, as other campaign contributions. All expenditures made with respect to such a campaign fund raiser which are made or reimbursed by a check drawn on the campaign depository of the candidate for whom the funds are to be used and shall be deemed to be campaign expenditures to be accounted for, and subject to the same restrictions, as other campaign expenditures.

(c) Any tickets or advertising for such a campaign fund raiser shall contain the following statement: "The purchase of a ticket for, or a contribution to, the campaign fund raiser is a contribution to the campaign of (name of the candidate for whose benefit the campaign fund raiser is held)." Such tickets or advertising shall also comply with other provisions of this chapter relating to political advertising.

(d) Any person or candidate who holds a campaign fund raiser, or consents to a campaign fund raiser being held, in violation of the provisions of this subsection is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) This section shall not apply to any campaign fund raiser held *on behalf of a leadership fund by the leader* or on behalf of a political party by the state or county executive committee of such party, provided that the proceeds of such campaign fund raiser are reported pursuant to s. 106.29.

Section 30. Effective upon this act becoming a law, subsections (1) and (4) of section 106.04, Florida Statutes, are amended to read:

106.04 Committees of continuous existence.—

(1) In order to qualify as a committee of continuous existence for the purposes of this chapter, a group, organization, association, or other such entity ~~that which~~ is involved in making contributions to candidates, political committees, *leadership funds*, or political parties, shall meet the following criteria:

(a) It shall be organized and operated in accordance with a written charter or set of bylaws which contains procedures for the election of officers and directors and which clearly defines membership in the organization; and

(b) At least 25 percent of the income of such organization, excluding interest, must be derived from dues or assessments payable on a regular basis by its membership pursuant to provisions contained in the charter or bylaws.

(4)(a) Each committee of continuous existence shall file an annual report with the Division of Elections during the month of January. Such annual reports shall contain the same information and shall be accompanied by the same materials as original applications filed pursuant to subsection (2). However, the charter or bylaws need not be filed if the annual report is accompanied by a sworn statement by the chair that no changes have been made to such charter or bylaws since the last filing.

(b)1. Each committee of continuous existence shall file regular reports with the Division of Elections at the same times and subject to the same filing conditions as are established by s. 106.07(1) and (2) for candidates' reports.

2. Any committee of continuous existence failing to so file a report with the Division of Elections pursuant to this paragraph on the designated due date shall be subject to a fine for late filing as provided by this section.

(c) All committees of continuous existence shall file the original and one copy of their reports with the Division of Elections. In addition, a duplicate copy of each report shall be filed with the supervisor of elections in the county in which the committee maintains its books and

records, except that if the filing officer to whom the committee is required to report is located in the same county as the supervisor no such duplicate report is required to be filed with the supervisor. Reports shall be on forms provided by the division and shall contain the following information:

1. The full name, address, and occupation of each person who has made one or more contributions to the committee during the reporting period, together with the amounts and dates of such contributions. For corporations, the report must provide as clear a description as practicable of the principal type of business conducted by the corporation. However, if the contribution is \$100 or less, the occupation of the contributor or principal type of business need not be listed. However, for any contributions which represent the payment of dues by members in a fixed amount pursuant to the schedule on file with the Division of Elections, only the aggregate amount of such contributions need be listed, together with the number of members paying such dues and the amount of the membership dues.

2. The name and address of each political committee or committee of continuous existence from which the reporting committee received, or the name and address of each political committee, committee of continuous existence, *leadership fund*, or political party to which it made, any transfer of funds, together with the amounts and dates of all transfers.

3. Any other receipt of funds not listed pursuant to subparagraph 1. or subparagraph 2., including the sources and amounts of all such funds.

4. The name and address of, and office sought by, each candidate to whom the committee has made a contribution during the reporting period, together with the amount and date of each contribution.

(d) The treasurer of each committee shall certify as to the correctness of each report and shall bear the responsibility for its accuracy and veracity. Any treasurer who willfully certifies to the correctness of a report while knowing that such report is incorrect, false, or incomplete commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 31. Effective upon this act becoming a law, section 106.08, Florida Statutes, is amended to read:

106.08 Contributions; limitations on.—

(1)(a) Except for political parties, no person, political committee, or committee of continuous existence may, in any election, make contributions in excess of \$500 to any candidate for election to or retention in office or to any political committee supporting or opposing one or more candidates. Candidates for the offices of Governor and Lieutenant Governor on the same ticket are considered a single candidate for the purpose of this section.

(b)1. The contribution limits provided in this subsection do not apply to contributions made by a state or county executive committee of a political party regulated by chapter 103, *contributions made by leadership funds*, or to amounts contributed by a candidate to his or her own campaign.

2. Notwithstanding the limits provided in this subsection, an emancipated child under the age of 18 years of age may not make a contribution in excess of \$100 to any candidate or to any political committee supporting one or more candidates.

(c) The contribution limits of this subsection apply to each election. For purposes of this subsection, the first primary, second primary, and general election are separate elections so long as the candidate is not an unopposed candidate as defined in s. 106.011(15). However, for the purpose of contribution limits with respect to candidates for retention as a justice or judge, there is only one election, which is the general election. With respect to candidates in a circuit holding an election for circuit judge or in a county holding an election for county court judge, there are only two elections, which are the first primary election and general election.

(2)(a) A candidate may not accept contributions from national, state, or ~~including any subordinate committee of a national, state, or county committee of a political party,~~ and county executive committees of a political party, ~~including any subordinate committee of a national, state, or county committee of a political party,~~ or from *leadership funds pursuant to s. 106.295*, which contributions in the aggregate exceed \$50,000,

no more than \$25,000 of which may be accepted prior to the 28-day period immediately preceding the date of the general election.

(b) Polling services, research services, costs for campaign staff, professional consulting services, and telephone calls are not contributions to be counted toward the contribution limits of paragraph (a). Any item not expressly identified in this paragraph as nonallocable is a contribution in an amount equal to the fair market value of the item and must be counted as allocable toward the \$50,000 contribution limits of paragraph (a). Nonallocable, in-kind contributions must be reported by the candidate under s. 106.07 and by the political party *and leadership fund* under s. 106.29.

(3)(a) Any contribution received by a candidate with opposition in an election or by the campaign treasurer or a deputy campaign treasurer of such a candidate on the day of that election or less than 5 days prior to the day of that election must be returned by him or her to the person or committee contributing it and may not be used or expended by or on behalf of the candidate.

(b) Except as otherwise provided in paragraph (c), any contribution received by a candidate or by the campaign treasurer or a deputy campaign treasurer of a candidate after the date at which the candidate withdraws his or her candidacy, or after the date the candidate is defeated, becomes unopposed, or is elected to office must be returned to the person or committee contributing it and may not be used or expended by or on behalf of the candidate.

(c) With respect to any campaign for an office in which an independent or minor party candidate has filed as required in s. 99.0955 or s. 99.096, but whose qualification is pending a determination by the Department of State or supervisor of elections as to whether or not the required number of petition signatures was obtained:

1. The department or supervisor shall, no later than 3 days after that determination has been made, notify in writing all other candidates for that office of that determination.

2. Any contribution received by a candidate or the campaign treasurer or deputy campaign treasurer of a candidate after the candidate has been notified in writing by the department or supervisor that he or she has become unopposed as a result of an independent or minor party candidate failing to obtain the required number of petition signatures shall be returned to the person, political committee, or committee of continuous existence contributing it and shall not be used or expended by or on behalf of the candidate.

(4) Any contribution received by the chair, campaign treasurer, or deputy campaign treasurer of a political committee supporting or opposing a candidate with opposition in an election or supporting or opposing an issue on the ballot in an election on the day of that election or less than 5 days prior to the day of that election may not be obligated or expended by the committee until after the date of the election.

(5)(a) *Except for contributions from leadership funds*, a person may not make any contribution through or in the name of another, directly or indirectly, in any election.

(b) Candidates, political committees, *leadership funds*, and political parties may not solicit contributions from any religious, charitable, civic, or other causes or organizations established primarily for the public good.

(c) Candidates, political committees, *leadership funds*, and political parties may not make contributions, in exchange for political support, to any religious, charitable, civic, or other cause or organization established primarily for the public good. It is not a violation of this paragraph for:

1. A candidate, political committee, *leadership fund*, or political party executive committee to make gifts of money in lieu of flowers in memory of a deceased person;

2. A candidate to continue membership in, or make regular donations from personal or business funds to, religious, political party, civic, or charitable groups of which the candidate is a member or to which the candidate has been a regular donor for more than 6 months; or

3. A candidate to purchase, with campaign funds, tickets, admission to events, or advertisements from religious, civic, political party, or charitable groups.

(6) A political party or *leadership fund* may not accept any contribution which has been specifically designated for the partial or exclusive use of a particular candidate. Any contribution so designated must be returned to the contributor and may not be used or expended by or on behalf of the candidate.

(7)(a) Any person who knowingly and willfully makes no more than one contribution in violation of subsection (1) or subsection (5), or any person who knowingly and willfully fails or refuses to return any contribution as required in subsection (3), commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. If any corporation, partnership, or other business entity or any political party, political committee, or committee of continuous existence is convicted of knowingly and willfully violating any provision punishable under this paragraph, it shall be fined not less than \$1,000 and not more than \$10,000. If it is a domestic entity, it may be ordered dissolved by a court of competent jurisdiction; if it is a foreign or nonresident business entity, its right to do business in this state may be forfeited. Any officer, partner, agent, attorney, or other representative of a corporation, partnership, or other business entity or of a political party, political committee, or committee of continuous existence who aids, abets, advises, or participates in a violation of any provision punishable under this paragraph commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) Any person who knowingly and willfully makes two or more contributions in violation of subsection (1) or subsection (5) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If any corporation, partnership, or other business entity or any political party, political committee, or committee of continuous existence is convicted of knowingly and willfully violating any provision punishable under this paragraph, it shall be fined not less than \$10,000 and not more than \$50,000. If it is a domestic entity, it may be ordered dissolved by a court of competent jurisdiction; if it is a foreign or nonresident business entity, its right to do business in this state may be forfeited. Any officer, partner, agent, attorney, or other representative of a corporation, partnership, or other business entity, or of a political committee, committee of continuous existence, or political party who aids, abets, advises, or participates in a violation of any provision punishable under this paragraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(8) Except when otherwise provided in subsection (7), any person who knowingly and willfully violates any provision of this section shall, in addition to any other penalty prescribed by this chapter, pay to the state a sum equal to twice the amount contributed in violation of this chapter. Each campaign treasurer shall pay all amounts contributed in violation of this section to the state for deposit in the General Revenue Fund.

(9) A leader who is also a candidate for any office other than an office in the house in which the candidate serves as leader, shall not make contributions from his or her own leadership funds to support his or her own candidacy.

(10)(9) This section does not apply to the transfer of funds between a primary campaign depository or *primary leadership depository* and a savings account or certificate of deposit or to any interest earned on such account or certificate.

Section 32. Effective upon this act becoming a law, subsection (3) of section 106.147, Florida Statutes, is amended to read:

106.147 Telephone solicitation; disclosure requirements; prohibitions; exemptions; penalties.—

(3)(a) Any person who willfully violates any provision of this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) For purposes of paragraph (a), the term “person” includes any candidate; any officer of any political committee, committee of continuous existence, or political party executive committee; any officer, partner, attorney, or other representative of a corporation, partnership, or other business entity; and any agent or other person acting on behalf of any candidate, political committee, committee of continuous existence, *leadership fund*, political party executive committee, or corporation, partnership, or other business entity.

Section 33. Effective upon this act becoming a law, section 106.148, Florida Statutes, is amended to read:

106.148 Disclosure of on-line computer solicitation.—A message placed on an information system accessible by computer by a candidate, *leader expending leadership funds*, political party, political committee, or committee of continuous existence, or an agent of any such candidate, *leadership fund*, party, or committee, which message is accessible by more than one person, other than an internal communication of the *leadership fund*, party, committee, or campaign, must include a statement disclosing all information required of political advertisements under s. 106.143.

Section 34. Effective upon this act becoming a law, section 106.17, Florida Statutes, is amended to read:

106.17 Polls and surveys relating to candidacies.—Any candidate, political committee, *leadership fund*, or state or county executive committee of a political party may authorize or conduct a political poll, survey, index, or measurement of any kind relating to candidacy for public office so long as the candidate, political committee, *leadership fund*, or political party maintains complete jurisdiction over the poll in all its aspects.

Section 35. Effective upon this act becoming a law, section 106.29, Florida Statutes, is amended to read:

106.29 Reports by political parties and *leadership funds*; restrictions on contributions and expenditures; penalties.—

(1) The state executive committee of each political party regulated by chapter 103, and each county executive committee of each political party regulated by chapter 103, and each *leadership fund* shall file regular reports of all contributions received and all expenditures made by such committee. Such reports shall contain the same information as do reports required of candidates by s. 106.07 and shall be filed on the 10th day following the end of each calendar quarter, except that, during the period from the last day for candidate qualifying until the general election, such reports shall be filed on the Friday immediately preceding the first primary election, the second primary election, and the general election. Each state executive committee and each leader shall file the original and one copy of its reports with the Division of Elections. Each county executive committee shall file its reports with the supervisor of elections in the county in which such committee exists. Any state or county executive committee or any *leadership fund* failing to file a report on the designated due date shall be subject to a fine as provided in subsection (3). No separate fine shall be assessed for failure to file a copy of any report required by this section.

(2)(a) The chair and treasurer of each state or county executive committee, and the leader and treasurer of a *leadership fund*, shall certify as to the correctness of each report filed by them on behalf of such committee or *leadership fund*. Any committee chair or treasurer, or any leader or *leadership fund* treasurer, who certifies the correctness of any report while knowing that such report is incorrect, false, or incomplete commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) If two or more leaders successively operate the same *leadership fund* during a single reporting period, each must file a separate report pursuant to paragraph (a) for the period that he or she operated the fund.

(3)(a) Any state or county executive committee, or any *leadership fund*, failing to file a report on the designated due date shall be subject to a fine as provided in paragraph (b) for each late day. The fine shall be assessed by the filing officer, or, in the case of a *leadership fund*, by the division, and the moneys collected shall be deposited in the Elections Commission Trust Fund.

(b) Upon determining that a state or county executive committee report is late, the filing officer shall immediately notify the chair of the executive committee as to the failure to file a report by the designated due date and that a fine is being assessed for each late day. Upon determining that a *leadership fund* report is late, the division shall immediately notify the leader as to the failure to file a report by the designated due date and that a fine is being assessed for each late day. The fine shall be \$1,000 for a state executive committee or *leadership fund*, and \$50 for a county executive committee, per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is

greater, for the period covered by the late report. However, if an executive committee or *leadership fund* fails to file a report on the Friday immediately preceding the general election, the fine shall be \$10,000 per day for each day a state executive committee or *leadership fund* is late and \$500 per day for each day a county executive committee is late. Upon receipt of the report, the division or filing officer, as appropriate, shall determine the amount of the fine which is due and shall notify the committee chair or leader. The division or filing officer, as appropriate, shall determine the amount of the fine due based upon the earliest of the following:

1. When the report is actually received by such officer.
2. When the report is postmarked.
3. When the certificate of mailing is dated.
4. When the receipt from an established courier company is dated.

Such fine shall be paid to the division or filing officer, as appropriate, within 20 days after receipt of the notice of payment due, unless appeal is made to the Florida Elections Commission pursuant to paragraph (c). An officer or member of an executive committee or a leader shall not be personally liable for such fine.

(c) The chair of an executive committee or a leader may appeal or dispute the fine, based upon unusual circumstances surrounding the failure to file on the designated due date, and may request and shall be entitled to a hearing before the Florida Elections Commission, which shall have the authority to waive the fine in whole or in part. Any such request shall be made within 20 days after receipt of the notice of payment due. In such case, the chair of the executive committee or the leader shall, within the 20-day period, notify the division or filing officer, as appropriate, in writing of his or her intention to bring the matter before the commission.

(d) The division or the appropriate filing officer, as appropriate, shall notify the Florida Elections Commission of the repeated late filing by an executive committee or *leadership fund*, the failure of an executive committee or *leadership fund* to file a report after notice, or the failure to pay the fine imposed.

(4) Any contribution received by a state or county executive committee or a *leadership fund* less than 5 days before an election shall not be used or expended in behalf of any candidate, issue, or political party participating in such election.

(5) No state or county executive committee nor any *leadership fund*, in the furtherance of any candidate or political party, directly or indirectly, shall give, pay, or expend any money, give or pay anything of value, authorize any expenditure, or become pecuniarily liable for any expenditure prohibited by this chapter. However, the contribution of funds by one executive committee to another or to established party organizations for legitimate party or campaign purposes is not prohibited, but all such contributions shall be recorded and accounted for in the reports of the contributor and recipient. Similarly, the contribution of funds by a national, state, or county executive committee to a *leadership fund* or from a *leadership fund* to such committee for legitimate party or *leadership* purposes is not prohibited, but all such contributions shall be recorded and accounted for in the reports of the contributor and recipient required by state law.

(6)(a) The national, state, and county executive committees of a political party and *leadership funds* may not contribute to any candidate any amount in excess of the limits contained in s. 106.08(2), and all contributions required to be reported under s. 106.08(2) by the national executive committee of a political party shall be reported by the state executive committee of that political party.

(b) A violation of the contribution limits contained in s. 106.08(2) is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. A civil penalty equal to three times the amount in excess of the limits contained in s. 106.08(2) shall be assessed against any executive committee or *leadership fund* found in violation thereof.

(7) The division shall prescribe a form for reporting *leadership fund* contributions and expenditures pursuant to this section.

(8) Notwithstanding any other provisions of this chapter, in any reporting period during which a *leadership fund* has not received any

contributions or made any reportable expenditures, the filing of the report for that period shall be waived. However, the next report filed must specify that it covers the entire period between the last submitted report and the report being filed.

Section 36. Effective upon this act becoming a law, section 106.295, Florida Statutes, is amended to read:

106.295 Leadership fund.—

(1) For purposes of this section:

(a) “Leadership fund” means accounts comprised of any moneys contributed to a leader ~~political party, directly or indirectly,~~ which are designated for deposit into a primary leadership depository. Such funds may be used at the ~~partial or total discretion of the~~ a leader for any purpose on which the state or county executive committee of a political party could spend its funds, and also for the payment of leadership expenses.

(b) “Leader” means the President of the Senate, the Speaker of the House of Representatives, ~~the majority leader~~ and the minority leader of each house, or any member personally designated by the President of the Senate, the Speaker of the House of Representatives, or such minority leader, until such time as ~~and any person designated by a political caucus of members of either house formally designates a successor to succeed to any such position who shall, upon such designation, become the leader for purposes of this chapter.~~

(2) A leader operating a leadership fund shall appoint a fund treasurer and designate a primary leadership depository for the purpose of depositing all contributions received and disbursing all expenditures made by the fund. Except for expenditures made from petty cash funds pursuant to subsection (3), each leader and treasurer shall make expenditures from funds on deposit in such primary leadership depository only by means of a bank check or debit card, subject to the same limitations governing primary campaign depositories as provided in s. 106.11.

(3) A leadership fund treasurer may withdraw funds from the primary leadership depository to establish a petty cash fund in the same manner and subject to the same limitations as apply to statewide candidates pursuant to s. 106.12. For purposes of applying this subsection, the term “qualifying” in s. 106.12 shall refer to the period during which state legislative candidates qualify with the Department of State pursuant to chapter 99.

(4) A leadership fund treasurer shall keep the same type of detailed accounts with regard to the leadership fund as a campaign treasurer keeps for a candidate pursuant to s. 106.06, except that the leadership fund treasurer shall preserve the accounts kept for 2 years. Accounts kept by the leadership fund treasurer shall be open to inspection as provided in s. 106.06.

~~(2) Leadership funds are prohibited in this state. No leader shall accept any leadership funds.~~

~~(3) This section applies to leadership funds in existence on or after January 1, 1990.~~

Section 37. Effective upon this act becoming a law, subsection (3) of section 106.33, Florida Statutes, is amended to read:

106.33 Election campaign financing; eligibility.—Each candidate for the office of Governor or member of the Cabinet who desires to receive contributions from the Election Campaign Financing Trust Fund shall, upon qualifying for office, file a request for such contributions with the filing officer on forms provided by the Division of Elections. If a candidate requesting contributions from the fund desires to have such funds distributed by electronic fund transfers, the request shall include information necessary to implement that procedure. For the purposes of ss. 106.30-106.36, candidates for Governor and Lieutenant Governor on the same ticket shall be considered as a single candidate. To be eligible to receive contributions from the fund, a candidate may not be an unopposed candidate as defined in s. 106.011(15) and must:

(3) Limit loans or contributions from the candidate’s personal funds to \$25,000 and contributions from leadership funds and national, state, and county executive committees of a political party to \$25,000 in the aggregate, which loans or contributions shall not qualify for meeting the threshold amounts in subsection (2).

Section 38. Effective upon becoming a law, subsection (2) of section 103.081, Florida Statutes, is amended to read:

103.081 Use of party name; political advertising.—

(2) No person or group of persons shall use the name, abbreviation, or symbol of any political party, the name, abbreviation, or symbol of which is filed with the Department of State, in connection with any club, group, association, or organization of any kind unless approval and permission have been given in writing by the state executive committee of such party. This subsection shall not apply to county executive committees of such parties, leadership funds where the leader is a member of such party, and organizations which are chartered by the national executive committee of the party the name, abbreviation, or symbol of which is to be used, or to organizations using the name of any political party which organizations have been in existence and organized on a statewide basis for a period of 10 years.

Section 39. Effective upon becoming a law, subsection (1) of section 103.091, Florida Statutes, is amended to read:

103.091 Political parties.—

(1)(a) Each political party of the state shall be represented by a state executive committee. County executive committees and other committees may be established in accordance with the rules of the state executive committee. A political party may provide for the selection of its national committee and its state and county executive committees in such manner as it deems proper. Unless otherwise provided by party rule, the county executive committee of each political party shall consist of at least two members, a man and a woman, from each precinct, who shall be called the precinct committeeman and committeewoman. For counties divided into 40 or more precincts, the state executive committee may adopt a district unit of representation for such county executive committees. Upon adoption of a district unit of representation, the state executive committee shall request the supervisor of elections of that county, with approval of the board of county commissioners, to provide for election districts as nearly equal in number of registered voters as possible. Each county committeeman or committeewoman shall be a resident of the precinct from which he or she is elected.

(b) There is created within each political party with a “leader” as defined in s. 106.295, a leadership fund. Such leadership fund, as provided for in s. 106.295, shall be an instrumentality of the political party and function as a subsidiary thereof pursuant to Chapter 106; however, it shall not be subject to control, supervision, or direction of the political party or any agent thereof, except for the leader operating the leadership fund.

Section 40. Subsection (13) of section 106.011, Florida Statutes, is amended to read:

106.011 Definitions.—As used in this chapter, the following terms have the following meanings unless the context clearly indicates otherwise:

(13) “Communications media” means broadcasting stations, newspapers, magazines, outdoor advertising facilities, printers, direct mailing companies, advertising agencies, the Internet, and telephone companies; but with respect to telephones, an expenditure shall be deemed to be an expenditure for the use of communications media only if made for the costs of telephones, paid telephonists, or automatic telephone equipment to be used by a candidate or a political committee to communicate with potential voters but excluding any costs of telephones incurred by a volunteer for use of telephones by such volunteer.

Section 41. Subsection (5) of section 106.11, Florida Statutes, is amended to read:

106.11 Expenses of and expenditures by candidates and political committees.—Each candidate and each political committee which designates a primary campaign depository pursuant to s. 106.021(1) shall make expenditures from funds on deposit in such primary campaign depository only in the following manner, with the exception of expenditures made from petty cash funds provided by s. 106.12:

(5) A candidate who withdraws his or her candidacy, becomes an unopposed candidate, or is eliminated as a candidate or elected to office may expend funds from the campaign account to:

(a) Purchase "thank you" advertising for up to 75 days after he or she withdraws, ~~becomes unopposed~~, or is eliminated or elected.

(b) Pay for items which were obligated before he or she withdrew, became unopposed, or was eliminated or elected.

(c) Pay for expenditures necessary to close down the campaign office and to prepare final campaign reports.

(d) Dispose of surplus funds as provided in s. 106.141.

Section 42. Subsection (1) of section 106.141, Florida Statutes, is amended to read:

106.141 Disposition of surplus funds by candidates.—

(1) Each candidate who withdraws his or her candidacy, ~~becomes an unopposed candidate~~, or is eliminated as a candidate, or is elected to office shall, *no later than 90 days after such withdrawal, elimination, or election within 90 days*, dispose of the funds on deposit in his or her campaign account and file a report reflecting the disposition of all remaining funds. Such candidate shall not accept any contributions, nor shall any person accept contributions on behalf of such candidate, after the candidate withdraws his or her candidacy, becomes an unopposed candidate, or is eliminated or elected. However, if a candidate receives a refund check after all surplus funds have been disposed of, the check may be endorsed by the candidate and the refund disposed of under this section. An amended report must be filed showing the refund and subsequent disposition.

Section 43. Section 106.1433, Florida Statutes, is created to read:

106.1433 Florida Advertising campaign exposure; electioneering advertisements; requirements.—

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

(a) "Electioneering advertisement" means a paid expression in any communications media prescribed in s. 106.011(13) published on the day of any election or any of the the preceding 29 days which names or depicts a candidate for office in that election or which references a clearly identifiable ballot measure in that election. Any advertisement that qualifies as an independent expenditure pursuant to s. 106.011(5) or a political advertisement pursuant to s. 106.011(17) is not an electioneering advertisement for purposes of this section. However, the term does not include:

1. A statement or depiction by an organization, in existence prior to the time during which the candidate named or depicted qualifies or the issue clearly-referenced is placed on the ballot for that election, made in that organization's newsletter, which newsletter is distributed only to members of that organization.

2. An editorial endorsement by any newspaper, radio, or television station or other recognized news medium.

(b) "Contribution" means:

1. A gift, subscription, conveyance, deposit, loan, payment, or distribution of money or anything of value, including contributions in kind having an attributable monetary value in any form, made for the purpose of funding or sponsoring an electioneering advertisement.

2. A transfer of funds between a political committee or a committee or continuous existence and a person funding or sponsoring an electioneering advertisement.

3. The payment, by any person other than a candidate or political committee, of compensation for the personal services of another person which are rendered to a person funding or sponsoring an electioneering advertisement.

(c) "Expenditure" means a purchase, payment, distribution, loan, advance, or gift of money or anything of value made for the purpose of funding or sponsoring an electioneering advertisement. However, the term does not include a purchase, payment, distribution, loan, advance, or gift of money or anything of value made for the purpose of funding or sponsoring an electioneering advertisement when made by an organization, in existence prior to the time during which a candidate qualifies or a ballot measure is placed on the ballot for that election, for the purpose of printing or distributing such organization's newsletter, containing a

statement by such organization in support of or opposition to a candidate or ballot measure, which newsletter is distributed only to members of such organization.

(2) Each person that sponsors or funds an electioneering advertisement must file regular reports of all contributions received and all expenditures made by such person with the same officer as a political committee supporting or opposing the candidate named or depicted or the ballot measure referenced in the advertisement. Such reports must contain the same information and are subject to the same filing requirements as reports required under s. 106.07 for candidates not receiving public financing.

(3)(a) If the initial publication of the electioneering advertisement occurs after the final regular report is due under subsection (2) but prior to the closing of the polls on election day, the person funding or sponsoring the advertisement must file a report electronically with the division no later than 1 hour after the initial publication of the advertisement. The report must contain the same information as required of a candidate by s. 106.07(4). Upon receipt of the filing, the division shall electronically transmit a confirmation of receipt to the person filing the report. If the person is unable to file electronically for any reason, a written report containing the required information may be faxed or hand delivered to the division no later than 1 hour after the initial publication of the advertisement. However, if a report due to be filed under this paragraph on a Saturday, Sunday, or legal holiday cannot be electronically filed because of problems with Internet communications, the report must be filed either electronically, by facsimile, or by hand delivery with the division no later than 10 a.m. on the next business day.

(b) The division shall adopt rules providing for electronic filing which must, at a minimum, provide that:

1. The division develop an electronic filing system using the Internet or other on-line technologies; and

2. The system be reasonably secure and be designed to elicit the name, address, birthdate, and any other information necessary to authenticate the identity of the person submitting the report.

(c) Information filed with the division pursuant to this subsection must also be included on the next regular report required under subsection (2).

(4)(a) The following persons shall be responsible for filing the reports required in subsections (2) and (3), shall certify as to the correctness of each report, and shall bear the responsibility for the accuracy and veracity of each report:

1. The candidate and his or her campaign treasurer, if the person funding or sponsoring the electioneering advertisement is a candidate.

2. The committee chair and treasurer of the committee, if the person funding or sponsoring the electioneering advertisement is a political committee, committee of continuous existence, or executive committee of a political party;

3. The individual, if the person funding or sponsoring the electioneering advertisement is a natural person who is not a candidate; or

4. The organization's most senior officer, or, if there is no formal organizational structure, the principal organizer, if the person funding or sponsoring the electioneering advertisement is a group other than a political committee, committee of continuous existence, or executive committee of a political party. The name, address, and title of the designated individual must be filed with the division in writing prior to, or contemporaneous with, the filing of the initial report.

Such a person is liable for violations of report filing requirements to the same extent as candidates pursuant to ss. 106.07(5), 106.19, and 106.265.

(b) In addition to the penalties prescribed in paragraph (a), the person funding or sponsoring an electioneering advertisement and the person responsible for reporting pursuant to this subsection shall be jointly and severally liable for late filing fines assessed by the Florida Elections Commission pursuant to s. 106.07(8). Any such person may appeal or dispute the fine in accordance with the provisions of s. 106.07(8)(c).

(5) Any electioneering advertisement must be approved by the individual required to certify reports pursuant to subsection (4). Such indi-

vidual shall provide a written statement of authorization to the newspaper, radio station, television station, or other medium for each such advertisement contemporaneous with the advertiser's initial publication, display, broadcast, or other distribution.

(6)(a) If the person funding an electioneering advertisement is an individual subject to certifying reports pursuant to subparagraph (4)(a)1. or subparagraph (4)(a)3., the advertisement must prominently state, "Paid advertisement paid for and approved by (Name of person funding the electioneering advertisement)," followed by the address of the person funding the advertisement.

(b) If the person funding an electioneering advertisement is a group, organization, or committee subject to certifying reports pursuant to subparagraph (4)(a)2. or subparagraph (4)(a)4., the advertisement must prominently state, "Paid advertisement paid for and approved by (Name and title of individual(s) required to certify reports) of (name of group, organization, or committee)," followed by the address of the group, organization, or committee.

(c) The Florida Elections Commission is authorized, upon finding a violation of this subsection, to impose a civil penalty in the form of fines not to exceed \$5,000 or the total cost of the advertisements without the proper disclaimer, whichever is greater. In determining the amount of the penalty, the commission must consider any mitigating or aggravating circumstances prescribed in s. 106.265. This penalty shall substitute for the penalties provided in s. 106.265, shall be deposited into the General Revenue Fund of the state, and, if necessary, shall be collected pursuant to s. 106.265(2).

(7) Except for contributions from leadership funds, a person may not make a contribution through or in the name of another, directly or indirectly, for the purpose of funding an electioneering advertisement.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 7 through page 6, line 4, delete those lines and insert: for the 2004 elections; amending s. 99.103, F.S.; directing the rebate of legislative candidate filing fees to leadership funds; amending s. 99.092, F.S., relating to the return of filing fees in the event of a candidate's death, to conform; amending s. 106.011, F.S.; redefining the terms "political committee," "independent expenditure," and "person"; amending s. 106.021, F.S.; exempting leadership fund expenditures for communications jointly endorsing three or more candidates from the limits applicable to candidate contributions; amending s. 106.025, F.S.; exempting certain leadership fund fundraisers from campaign fund raiser requirements; amending s. 106.04, F.S.; modifying reporting requirements for committees of continuous existence that make contributions to leadership funds; amending s. 106.08, F.S.; exempting leadership funds from the limits applicable to contributions to candidates and political committees supporting candidates; prescribing the amount a candidate may accept in contributions from leadership funds; exempting contributions from leadership funds from the statutory proscription against making indirect contributions; limiting the activities of leadership funds with regard to soliciting from, and making contributions to, charitable and philanthropic groups; prohibiting leadership funds from accepting earmarked contributions designed to benefit a specific candidate; prohibiting leaders who are candidates from using their own leadership funds to support their own candidacy in certain circumstances; prescribing penalties; amending s. 106.147, F.S.; redefining the term "person" to include leadership funds for purposes of telephone solicitation requirements; amending s. 106.148, F.S.; subjecting leadership funds to computer solicitation disclosure requirements; amending s. 106.17, F.S.; authorizing leadership funds to conduct certain polls and surveys relating to candidacies; amending s. 106.29, F.S.; subjecting leadership funds to the same periodic campaign finance reporting requirements as executive committees of political parties; requiring the Division of Elections to provide a campaign finance form for reporting leadership fund contributions and expenditures; providing an exemption from leadership fund reporting requirements for periods of inactivity; prescribing penalties; amending s. 106.295, F.S.; redefining the terms "leadership fund" and "leader"; authorizing leadership funds; requiring the creation of a primary leadership depository; mandating the appointment of a leadership fund treasurer; prescribing the method for making leadership fund expenditures; authorizing the use of petty cash funds; requiring the leadership fund treasurer to maintain records and accounts in a certain manner for a specified period; amending s. 106.33,

F.S.; modifying the contribution limits applicable to candidates accepting public financing; amending s. 103.081, F.S.; exempting leadership funds from the prohibition against the use of its political party name, abbreviation, or symbol; amending s. 103.09, F.S.; creating leadership funds as an independent entity within a political party; amending s. 106.011, F.S.;

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

Amendment 1A (151800)(with title amendment)—On page 20, line 8, after the period (.) insert: *Reports due on the Friday immediately preceding the first primary election, the second primary election, and the general election shall be filed electronically by 5 p.m. pursuant to the procedures in s. 106.1433(3).*

And the title is amended as follows:

On page 37, line 7, after the semicolon (;) insert: requiring electronic filing of political party executive committee and leadership fund campaign finance reports immediately preceding an election;

The question recurred on **Amendment 1** which was adopted.

MOTION

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

Senator Posey moved the following amendment which was adopted:

Amendment 2 (933420)(with title amendment)—On page 48, line 13 through page 49, line 7, delete those lines and insert:

Section 23. Subsections (2) and (6) of section 102.141, Florida Statutes, are amended to read:

102.141 County canvassing board; duties.—

(2) The county canvassing board shall meet in a building accessible to the public in the county where the election occurred at a time and place to be designated by the supervisor of elections to publicly canvass the absentee electors' ballots as provided for in s. 101.68 and provisional ballots as provided by ss. 101.048, 101.049, and 101.6925. *Provisional ballots cast pursuant to s. 101.049 shall be canvassed in a manner that votes for candidates and issues on those ballots can be segregated from other votes.* Public notice of the time and place at which the county canvassing board shall meet to canvass the absentee electors' ballots and provisional ballots shall be given at least 48 hours prior thereto by publication once in one or more newspapers of general circulation in the county or, if there is no newspaper of general circulation in the county, by posting such notice in at least four conspicuous places in the county. As soon as the absentee electors' ballots and the provisional ballots are canvassed, the board shall proceed to publicly canvass the vote given each candidate, nominee, constitutional amendment, or other measure submitted to the electorate of the county, as shown by the returns then on file in the office of the supervisor of elections and the office of the county court judge.

(6) If the unofficial returns reflect that a candidate for any office was defeated or eliminated by one-half of a percent or less of the votes cast for such office, that a candidate for retention to a judicial office was retained or not retained by one-half of a percent or less of the votes cast on the question of retention, or that a measure appearing on the ballot was approved or rejected by one-half of a percent or less of the votes cast on such measure, the board responsible for certifying the results of the vote on such race or measure shall order a recount of the votes cast with respect to such office or measure. A recount need not be ordered with respect to the returns for any office, however, if the candidate or candidates defeated or eliminated from contention for such office by one-half of a percent or less of the votes cast for such office request in writing that a recount not be made.

(a) In counties with voting systems that use paper ballots, each canvassing board responsible for conducting a recount shall put each ballot through automatic tabulating equipment and determine whether the returns correctly reflect the votes cast. If any paper ballot is physically damaged so that it cannot be properly counted by the automatic tabulating equipment during the recount, a true duplicate shall be made of the

damaged ballot pursuant to the procedures in s. 101.5614(5). Immediately before the start of the recount and after completion of the count, a test of the tabulating equipment shall be conducted as provided in s. 101.5612. If the test indicates no error, the recount tabulation of the ballots cast shall be presumed correct and such votes shall be canvassed accordingly. If an error is detected, the cause therefor shall be ascertained and corrected and the recount repeated, as necessary. The canvassing board shall immediately report the error, along with the cause of the error and the corrective measures being taken, to the Department of State. No later than 11 days after the election, the canvassing board shall file a separate incident report with the Department of State, detailing the resolution of the matter and identifying any measures that will avoid a future recurrence of the error.

(b) In counties with voting systems that do not use paper ballots, each canvassing board responsible for conducting a recount shall examine the counters on the precinct tabulators to ensure that the total of the returns on the precinct tabulators equals the overall election return. If there is a discrepancy between the overall election return and the counters of the precinct tabulators, the counters of the precinct tabulators shall be presumed correct and such votes shall be canvassed accordingly.

(c) The canvassing board shall submit a second set of unofficial returns to the Department of State for each federal, statewide, state, or multicounty office or ballot measure no later than noon on the third day after any election in which a recount was conducted pursuant to this subsection. If the canvassing board is unable to complete the recount prescribed in this subsection by the deadline, the second set of unofficial returns submitted by the canvassing board shall be identical to the initial unofficial returns and the submission shall also include a detailed explanation of why it was unable to timely complete the recount. However, the canvassing board shall complete the recount prescribed in this subsection, along with any manual recount prescribed in s. 102.166, and certify election returns in accordance with the requirements of this chapter.

(d) *The Department of State shall adopt detailed rules prescribing additional recount procedures for each certified voting system which shall be uniform to the extent practicable.*

And the title is amended as follows:

On page 4, line 1, after the semicolon (;) insert: directing the Department of State to adopt uniform rules for machine recounts;

Pursuant to Rule 4.19, **CS for SB 1500** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Lee, by two-thirds vote **CS for SB 332**, **CS for CS for CS for SB's 2328 and 2252**, **CS for CS for SB 2410** and **CS for CS for SB 2654** were withdrawn from the Committees on Appropriations Subcommittee on Transportation and Economic Development; and Appropriations; **SB 540**, **CS for CS for SB 554**, **CS for CS for SB 1006**, **CS for SB 1298**, **CS for CS for SB 1300** and **CS for CS for SB 1312** were withdrawn from the Committee on Rules and Calendar; **CS for CS for SB 1350** was withdrawn from the Committees on Appropriations Subcommittee on Criminal Justice; and Appropriations; **CS for SB 1414**, **CS for CS for SB 1740**, **CS for SB 2430** and **CS for CS for SB 2534** were withdrawn from the Committee on Judiciary; **CS for CS for SB 1520** and **CS for SB 1854** were withdrawn from the Committees on Appropriations Subcommittee on Education; and Appropriations; **CS for SB 1612** was withdrawn from the Committee on Comprehensive Planning; **CS for CS for SB 1724** was withdrawn from the Committees on Judiciary; and Regulated Industries; **CS for CS for SB 1782** was withdrawn from the Committees on Appropriations Subcommittee on Article V Implementation and Judiciary; and Appropriations; **CS for SB 1824** was withdrawn from the Committees on Judiciary; and Finance and Taxation; **CS for SB 2140** was withdrawn from the Committee on Governmental Oversight and Productivity; **SB 2180** was withdrawn from the Committees on Criminal Justice; and Commerce, Economic Opportunities, and Consumer Services; **CS for SB 2210** was withdrawn from the Committees on Judiciary; Appropriations Subcommittee on Article V Implementation and Judiciary; and Appropriations; **CS for SB 2330** was withdrawn from the Committee on Health, Aging, and Long-Term Care; **CS for SB 2348** was withdrawn from the Committees on

Governmental Oversight and Productivity; and Rules and Calendar; **CS for SB 2364**, **CS for SB 2388** and **CS for SB 2560** were withdrawn from the Committees on Appropriations Subcommittee on General Government; and Appropriations; **CS for CS for SB 2446** and **CS for SB 2568** were withdrawn from the Committees on Appropriations Subcommittee on Health and Human Services; and Appropriations; **CS for SB 2614** was withdrawn from the Committee on Commerce, Economic Opportunities, and Consumer Services; **CS for SB 2688** was withdrawn from the Committee on Natural Resources; **CS for SB 2750** and **CS for SCR 2798** were withdrawn from the Committee on Appropriations; **CS for SB 2754** was withdrawn from the Committees on Governmental Oversight and Productivity; and Comprehensive Planning; and **CS for SB 2758** was withdrawn from the Committees on Comprehensive Planning; and Communication and Public Utilities.

THE PRESIDENT PRESIDING

On motion by Senator Pruitt, by two-thirds vote **CS for CS for SB 572**, **CS for CS for SB 696**, **CS for CS for SB 2738**, **CS for CS for CS for SB 194**, **CS for CS for SB 1434**, **SB 1336**, **CS for SB 1956**, **CS for CS for SB 1756**, **CS for SB 1758**, **SB 2794**, **SB 730**, **SB 1998**, **CS for SB 924** and **SB 1052** were withdrawn from the Committee on Appropriations.

RECESS

The President declared the Senate in recess at 12:32 p.m. to reconvene at 1:15 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 1:32 p.m. A quorum present—39:

Mr. President	Dawson	Miller
Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
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

SPECIAL ORDER CALENDAR, continued

On motion by Senator Wasserman Schultz—

SB 228—A bill to be entitled An act relating to pari-mutuel wagering; requiring dogracing permitholders to provide a greyhound-adoption booth at each dogracing facility in the state; requiring that the booth be operated by certain qualified persons on weekends; requiring that information concerning the adoption of a greyhound be made available to the public at the facility; requiring the permitholder to provide adoption information in racing programs and to identify greyhounds that will become available for adoption; authorizing the permitholder to hold an additional charity day that is designated as “Greyhound Adopt-A-Pet Day”; requiring that profits derived from the charity day be used to fund activities promoting the adoption of greyhounds; authorizing the Division of Pari-mutuel Wagering within the Department of Business and Professional Regulation to adopt rules; providing penalties; amending s. 550.1647, F.S., relating to unclaimed tickets and breaks with respect to greyhound racing; defining the term “bona fide organization that promotes or encourages the adoption of greyhounds”; providing an effective date.

—was read the second time by title.

Senator Lee moved the following amendment:

Amendment 1 (055226)(with title amendment)—On page 4, between lines 7 and 8, insert:

Section 3. Subsections (1) and (2) of section 550.26165, Florida Statutes, are amended to read:

550.26165 Breeders' awards.—

(1) The purpose of this section is to encourage the agricultural activity of breeding and training racehorses in this state. Moneys dedicated in this chapter for use as breeders' awards and stallion awards are to be used for awards to breeders of registered Florida-bred horses winning horseraces and for similar awards to the owners of stallions who sired Florida-bred horses winning stakes races, if the stallions are registered as Florida stallions standing in this state. Such awards shall be given at a uniform rate to all winners of the awards, shall not be greater than 20 percent of the announced gross purse, and shall not be less than 15 percent of the announced gross purse if funds are available. In addition, no less than 17 percent nor more than 40 percent, as determined by the Florida Thoroughbred Breeders' Association, of the moneys dedicated in this chapter for use as breeders' awards and stallion awards for thoroughbreds shall be returned pro rata to the permitholders that generated the moneys for *special racing* awards to be distributed by the permitholders to owners of ~~registered Florida-bred~~ thoroughbred horses ~~participating winning in prescribed thoroughbred stakes races, nonstakes races, or both and winning or placing in thoroughbred stakes races,~~ all in accordance with a *written agreement establishing the rate, procedure, and eligibility requirements for such awards entered into* ~~plan established annually no later than 120 days before the first day of the permitholders' racing meet and agreed upon by the permitholder,~~ the Florida Thoroughbred Breeders' Association, and the Florida Horsemen's Benevolent and Protective Association, Inc., except that the plan for the distribution by any permitholder located in the area described in s. 550.615(9) shall be agreed upon by that permitholder, the Florida Thoroughbred Breeders' Association, and the association representing a majority of the thoroughbred racehorse owners and trainers at that location. Awards for thoroughbred races are to be paid through the Florida Thoroughbred Breeders' Association, and awards for standardbred races are to be paid through the Florida Standardbred Breeders and Owners Association. Among other sources specified in this chapter, moneys for thoroughbred breeders' awards will come from the 0.955 percent of handle for thoroughbred races conducted, received, broadcast, or simulcast under this chapter as provided in s. 550.2625(3). The moneys for quarter horse and harness breeders' awards will come from the breaks and uncashed tickets on live quarter horse and harness racing performances and 1 percent of handle on intertrack wagering. The funds for these breeders' awards shall be paid to the respective breeders' associations by the permitholders conducting the races.

(2) Each breeders' association shall develop a plan each year that will provide for a uniform rate of payment and procedure for *breeders' and stallion awards payment*. The *plan for payment of breeders' and stallion awards* may set a cap on winnings and may limit, exclude, or defer payments on to certain classes of races, such as the Florida stallion stakes races, in order to assure that there are adequate revenues to meet the proposed uniform rate. Priority shall be placed on imposing such restrictions in lieu of allowing the uniform rate for *breeders' and stallion awards* to be less than 15 percent of the total purse payment. The plan must provide for the maximum possible payments within revenues.

Section 4. Subsection (3) of section 550.2625, Florida Statutes, is amended to read:

550.2625 Horseracing; minimum purse requirement, Florida breeders' and owners' awards.—

(3) Each horseracing permitholder conducting any thoroughbred race under this chapter, including any intertrack race taken pursuant to ss. 550.615-550.6305 or any interstate simulcast taken pursuant to s. 550.3551(3) shall pay a sum equal to 0.955 percent on all pari-mutuel pools conducted during any such race for the payment of breeders', ~~and~~ stallion, *or special racing* awards as authorized in this ~~chapter section~~. This subsection also applies to all Breeder's Cup races conducted outside this state taken pursuant to s. 550.3551(3). On any race originating live in this state which is broadcast out-of-state to any location at which wagers are accepted pursuant to s. 550.3551(2), the host track is required to pay 3.475 percent of the gross revenue derived from such out-of-state broadcasts as breeders', ~~and~~ stallion, *or special racing* awards. The Florida Thoroughbred Breeders' Association is authorized to receive these payments from the permitholders and make payments of awards earned. The Florida Thoroughbred Breeders' Association has the right

to withhold up to 10 percent of the permitholder's payments under this section as a fee for administering the payments of awards and for general promotion of the industry. The permitholder shall remit these payments to the Florida Thoroughbred Breeders' Association by the 5th day of each calendar month for such sums accruing during the preceding calendar month and shall report such payments to the division as prescribed by the division. With the exception of the 10-percent fee, the moneys paid by the permitholders shall be maintained in a separate, interest-bearing account, and such payments together with any interest earned shall be used exclusively for the payment of breeders', ~~awards~~ *and stallion, or special racing* awards in accordance with the following provisions:

(a) The breeder of each Florida-bred thoroughbred horse winning a thoroughbred horse race is entitled to an award of up to, but not exceeding, 20 percent of the announced gross purse, including nomination fees, eligibility fees, starting fees, supplementary fees, and moneys added by the sponsor of the race.

(b) The owner or owners of the sire of a Florida-bred thoroughbred horse that wins a stakes race is entitled to a stallion award of up to, but not exceeding, 20 percent of the announced gross purse, including nomination fees, eligibility fees, starting fees, supplementary fees, and moneys added by the sponsor of the race.

(c) The owners of ~~registered Florida-bred~~ thoroughbred horses ~~participating winning or placing in thoroughbred stakes races, nonstakes races, or both~~ may receive a *special racing* ~~an~~ award in accordance with the ~~agreement a plan~~ established pursuant to ~~in~~ s. 550.26165(1).

(d) In order for a breeder of a Florida-bred thoroughbred horse to be eligible to receive a breeder's award, ~~or for the owners of a registered Florida-bred thoroughbred horse to be eligible to receive an award under paragraph (c),~~ the horse must have been registered as a Florida-bred horse with the Florida Thoroughbred Breeders' Association, and the Jockey Club certificate for the horse must show that it has been duly registered as a Florida-bred horse as evidenced by the seal and proper serial number of the Florida Thoroughbred Breeders' Association registry. The Florida Thoroughbred Breeders' Association shall be permitted to charge the registrant a reasonable fee for this verification and registration.

(e) In order for an owner of the sire of a thoroughbred horse winning a stakes race to be eligible to receive a stallion award, the stallion must have been registered with the Florida Thoroughbred Breeders' Association, and the breeding of the registered Florida-bred horse must have occurred in this state. The stallion must be standing permanently in this state during the period of time between February 1 and June 15 of each year or, if the stallion is dead, must have stood permanently in this state for a period of not less than 1 year immediately prior to its death. The removal of a stallion from this state during the period of time between February 1 and June 15 of any year for any reason, other than exclusively for prescribed medical treatment, as approved by the Florida Thoroughbred Breeders' Association, renders the owner or owners of the stallion ineligible to receive a stallion award under any circumstances for offspring sired prior to removal; however, if a removed stallion is returned to this state, all offspring sired subsequent to the return make the owner or owners of the stallion eligible for the stallion award but only for those offspring sired subsequent to such return to this state. The Florida Thoroughbred Breeders' Association shall maintain complete records showing the date the stallion arrived in this state for the first time, whether or not the stallion remained in the state permanently, the location of the stallion, and whether the stallion is still standing in this state and complete records showing awards earned, received, and distributed. The association may charge the owner, owners, or breeder a reasonable fee for this service.

(f) A permitholder conducting a thoroughbred horse race under the provisions of this chapter shall, within 30 days after the end of the race meet during which the race is conducted, certify to the Florida Thoroughbred Breeders' Association such information relating to the thoroughbred horses winning a stakes or other horserace at the meet as may be required to determine the eligibility for payment of breeders', ~~awards~~ *and stallion, and special racing* awards.

(g) The Florida Thoroughbred Breeders' Association shall maintain complete records showing the starters and winners in all races conducted at thoroughbred tracks in this state; shall maintain complete

records showing awards earned, received, and distributed; and may charge the owner, owners, or breeder a reasonable fee for this service.

(h) The Florida Thoroughbred Breeders' Association shall annually establish a uniform rate and procedure for the payment of breeders' and stallion awards and shall make breeders' and stallion award payments in strict compliance with the established uniform rate and procedure plan. The plan may set a cap on winnings and may limit, exclude, or defer payments to certain classes of races, such as the Florida stallion stakes races, in order to assure that there are adequate revenues to meet the proposed uniform rate. Such plan must include proposals for the general promotion of the industry. Priority shall be placed upon imposing such restrictions in lieu of allowing the uniform rate to be less than 15 percent of the total purse payment. The uniform rate and procedure plan must be approved by the division before implementation. In the absence of an approved plan and procedure, the authorized rate for breeders' and stallion awards is 15 percent of the announced gross purse for each race. Such purse must include nomination fees, eligibility fees, starting fees, supplementary fees, and moneys added by the sponsor of the race. If the funds in the account for payment of breeders' and stallion awards are not sufficient to meet all earned breeders' and stallion awards, those breeders and stallion owners not receiving payments have first call on any subsequent receipts in that or any subsequent year.

(i) The Florida Thoroughbred Breeders' Association shall keep accurate records showing receipts and disbursements of such payments and shall annually file a full and complete report to the division showing such receipts and disbursements and the sums withheld for administration. The division may audit the records and accounts of the Florida Thoroughbred Breeders' Association to determine that payments have been made to eligible breeders and stallion owners in accordance with this section.

(j) If the division finds that the Florida Thoroughbred Breeders' Association has not complied with any provision of this section, the division may order the association to cease and desist from receiving funds and administering funds received under this section. If the division enters such an order, the permitholder shall make the payments authorized in this section to the division for deposit into the Pari-mutuel Wagering Trust Fund; and any funds in the Florida Thoroughbred Breeders' Association account shall be immediately paid to the Division of Pari-mutuel Wagering for deposit to the Pari-mutuel Wagering Trust Fund. The division shall authorize payment from these funds to any breeder or stallion owner entitled to an award that has not been previously paid by the Florida Thoroughbred Breeders' Association in accordance with the applicable rate.

Section 5. Subsection (4) of section 550.5251, Florida Statutes, is amended to read:

550.5251 Florida thoroughbred racing; certain permits; operating days.—

(4) A thoroughbred racing permitholder may not begin any race later than 7 p.m. ~~However,~~ Any thoroughbred permitholder in a county in which the authority for cardrooms has been approved by the board of county commissioners may ~~elect not to~~ operate a cardroom ~~and,~~ when conducting live races during its current race meet, ~~may and instead to~~ receive and rebroadcast out-of-state races after the hour of 7 p.m. on any day during which the permitholder conducts live races. ~~However, such permitholder may not engage in both operating a cardroom and receiving or rebroadcasting out-of-state races after 7 p.m. Permiholders shall be required to elect between either operating a cardroom or engaging in simulcasting after 7 p.m. at the time of submitting its application for its annual license pursuant to this section.~~

Section 6. Paragraph (a) of subsection (2), subsections (5), (7), and (8), and paragraphs (a) and (d) of subsection (13) of section 849.086, Florida Statutes, are amended to read:

849.086 Cardrooms authorized.—

(2) DEFINITIONS.—As used in this section:

(a) "Authorized game games" means a game or series of games of poker ~~only those games authorized by s. 849.085(2)(a) and~~ which are played in a nonbanking manner.

(5) LICENSE REQUIRED; APPLICATION; FEES.—No person may operate a cardroom in this state unless such person holds a valid cardroom license issued pursuant to this section.

(a) Only those persons holding a valid cardroom license issued by the division may operate a cardroom. A cardroom license may only be issued to a licensed pari-mutuel permitholder and an authorized cardroom may only be operated at the same facility at which the permitholder is authorized under its valid pari-mutuel wagering permit to conduct pari-mutuel wagering activities. Cardroom licenses are not transferable.

(b) After the initial cardroom license is granted, the application for the annual license renewal shall be made in conjunction with the applicant's annual application for its pari-mutuel license. *If a permitholder has operated a cardroom during any of the 3 previous fiscal years and fails to include a renewal request for the operation of the cardroom in its annual application for license renewal, the permitholder may amend its annual application to include operation of the cardroom.* In order for a cardroom license to be renewed the applicant must have requested, as part of its pari-mutuel annual license application, to conduct at least 90 percent of the total number of live performances conducted by such permitholder during either the state fiscal year in which its initial cardroom license was issued or the state fiscal year immediately prior thereto. *If the application is for a harness permitholder cardroom, the applicant must have requested authorization to conduct a minimum of 140 live performances during the state fiscal year immediately prior thereto. If more than one permitholder is operating at a facility, each permitholder must have applied for a license to conduct a full schedule of live racing.*

(c) Persons seeking a license or a renewal thereof to operate a cardroom shall make application on forms prescribed by the division. Applications for cardroom licenses shall contain all of the information the division, by rule, may determine is required to ensure eligibility.

(d) The annual cardroom license fee *for each facility* shall be \$1,000 for the first table and \$500 for each additional table to be operated at the cardroom. This license fee shall be deposited by the division with the Treasurer to the credit of the Pari-mutuel Wagering Trust Fund.

(7) CONDITIONS FOR OPERATING A CARDROOM.—

(a) A cardroom may ~~only~~ be operated *only* at the location specified on the cardroom license issued by the division, and such location may only be the location at which the pari-mutuel permitholder is authorized to conduct pari-mutuel wagering activities pursuant to such permitholder's valid pari-mutuel permit *or as otherwise authorized by law and current license.*

(b) A cardroom may be operated at the facility only when the facility is authorized to accept wagers on pari-mutuel events during its authorized meet. A cardroom may operate *between the hours of 12 noon and 12 midnight on any day a pari-mutuel event is conducted live as a part of its authorized meet. However, a permitholder who holds a valid cardroom license may operate a cardroom between the hours of 12 noon and 12 midnight on any day that live racing of the same class of permit is occurring within 35 miles of its facility if no other holder of that same class of permit within 35 miles is operating a cardroom at such time and if all holders of the same class of permit within the 35-mile area have given their permission in writing to the permitholder to operate the cardroom during the designated period. Application to operate a cardroom under this paragraph must be made to the division as part of the annual license application. begin operations within 2 hours prior to the post time of the first pari-mutuel event conducted live at the pari-mutuel facility on which wagers are accepted and must cease operations within 2 hours after the conclusion of the last pari-mutuel event conducted live at the pari-mutuel facility on which wagers are accepted.*

(c) A cardroom operator must at all times employ and provide a nonplaying dealer for each table on which authorized card games which traditionally utilize a dealer are conducted at the cardroom. Such dealers may not have any participatory interest in any game other than the dealing of cards and may not have an interest in the outcome of the game. The providing of such dealers by a licensee shall not be construed as constituting the conducting of a banking game by the cardroom operator.

(d) Each cardroom operator shall conspicuously post upon the premises of the cardroom a notice which contains a copy of the cardroom

license; a list of authorized games offered by the cardroom; the wagering limits imposed by the house, if any; any additional house rules regarding operation of the cardroom or the playing of any game; and all costs to players to participate, including any rake by the house. In addition, each cardroom operator shall post at each table a notice of the minimum and maximum bets authorized at such table and the fee for participation in the game conducted.

(e) The cardroom facility shall be subject to inspection by the division or any law enforcement agency during the licensee's regular business hours. The inspection will specifically encompass the permitholder internal control procedures approved by the division.

(f) A cardroom operator may refuse entry to or refuse to allow to play any person who is objectionable, undesirable, or disruptive, but such refusal shall not be on the basis of race, creed, color, religion, sex, national origin, marital status, physical handicap, or age, except as provided in this section.

(8) METHOD OF WAGERS; LIMITATION.—

(a) No wagering may be conducted using money or other negotiable currency. Games may only be played utilizing a wagering system whereby all players' money is first converted by the house to tokens or chips which shall be used for wagering only at that specific cardroom.

(b) *The cardroom operator may limit the amount wagered in any game or series of games, but the maximum bet winnings of any player in a single round, hand, or game may not exceed \$2 \$10 in value. There may not be more than three raises in any round of betting.* The fee charged by the cardroom for participation in the game shall not be included in the calculation of the limitation on the *bet amount pot size* provided in this paragraph.

(13) TAXES AND OTHER PAYMENTS.—

(a) Each cardroom operator shall pay a tax to the state of 10 percent of the cardroom operation's monthly gross receipts.

(d) Each greyhound and jai alai permitholder *that which* operates a cardroom facility shall *use utilize* at least 4 percent of such permitholder's cardroom monthly gross receipts to supplement greyhound purses or jai alai prize money, respectively, during the permitholder's next ensuing pari-mutuel meet. Each thoroughbred and harness horse racing permitholder *that which* operates a cardroom facility shall *use utilize* at least 50 percent of such permitholder's cardroom monthly net proceeds as follows: 47 percent to supplement purses and 3 percent to supplement breeders' awards during the permitholder's next ensuing racing meet.

(Redesignate subsequent section.)

And the title is amended as follows:

On page 1, line 26, after the semicolon (;) insert: 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;

MOTION

Senator Cowin moved that the rules be waived to allow consideration of the late filed amendment 084462. The motion failed, therefore the amendment was not considered.

The question recurred on **Amendment 1** which was adopted.

Pursuant to Rule 4.19, **SB 228** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Smith—

CS for CS for SB 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.

—was read the second time by title.

Senator Smith moved the following amendments which were adopted:

Amendment 1 (905364)(with title amendment)—On page 9, between lines 28 and 29, insert:

Section 2. Effective July 1, 2004, section 27.3455, Florida Statutes, is amended to read:

27.3455 Annual statement of certain revenues and expenditures.—

(1) Each county shall submit annually to the *Chief Financial Officer Comptroller* a statement of revenues and expenditures as set forth in this section in the form and manner prescribed by the *Chief Financial Officer Comptroller* in consultation with the Legislative Committee on Intergovernmental Relations, provided that such statement identify total county expenditures on:

(a) ~~Medical examiner services.~~

(b) ~~County victim witness programs.~~

(c) ~~each Each of the services outlined in s. 29.008 ss. 27.34(2) and 27.54(3).~~

(d) ~~Appellate filing fees in criminal cases in which an indigent defendant appeals a judgment of a county or circuit court to a district court of appeal or the Florida Supreme Court.~~

(e) ~~Other court related costs of the state attorney and public defender that were paid by the county where such costs were included in a judgment or order rendered by the trial court against the county.~~

~~Such statement also shall identify the revenues provided by s. 938.05(1) that were used to meet or reimburse the county for such expenditures.~~

(2)(a) Within 6 months of the close of the local government fiscal year, each county shall submit to the *Chief Financial Officer Comptroller* a statement of compliance from its independent certified public accountant, engaged pursuant to s. 218.39, that the certified statement of expenditures was in accordance with s. 29.008 ss. 27.34(2), 27.54(3), and this section. All discrepancies noted by the independent certified public accountant shall be included in the statement furnished by the county to the *Chief Financial Officer Comptroller*.

(b) Should the Comptroller determine that additional auditing procedures are appropriate because:

1. The county failed to submit timely its annual statement;
2. Discrepancies were noted by the independent certified public accountant; or
3. The county failed to file before March 31 of each year the certified public accountant statement of compliance, the Comptroller is hereby authorized to send his or her personnel or to contract for services to bring the county into compliance. The costs incurred by the Comptroller shall be paid promptly by the county upon certification by the Comptroller.

(c) Where the Comptroller elects to utilize the services of an independent contractor, such certification by the Comptroller may require the county to make direct payment to a contractor. Any funds owed by a county in such matters shall be recovered pursuant to s. 17.04 or s. 17.041.

(3) ~~The priority for the allocation of funds collected pursuant to s. 938.05(1) shall be as follows:~~

(a) ~~Reimbursement to the county for actual county expenditures incurred in providing the state attorney and public defender the services outlined in ss. 27.34(2) and 27.54(3), with the exception of office space, utilities, and custodial services.~~

(b) ~~At the close of the local government fiscal year, funds remaining on deposit in the special trust fund of the county after reimbursements have been made pursuant to paragraph (a) shall be reimbursed to the~~

county for actual county expenditures made in support of the operations and services of medical examiners, including the costs associated with the investigation of state prison inmate deaths. Special county trust fund revenues used to reimburse the county for medical examiner expenditures in any year shall not exceed \$1 per county resident.

(c) At the close of the local government fiscal year, counties establishing or having in existence a comprehensive victim-witness program which meets the standards set by the Crime Victims' Services Office shall be eligible to receive 50 percent matching moneys from the balance remaining in the special trust fund after reimbursements have been made pursuant to paragraphs (a) and (b). Special trust fund moneys used in any year to supplement such programs shall not exceed 25 cents per county resident.

(d) At the close of the local government fiscal year, funds remaining in the special trust fund after reimbursements have been made pursuant to paragraphs (a), (b), and (c) shall be used to reimburse the county for county costs incurred in the provision of office space, utilities, and custodial services to the state attorney and public defender, for county expenditures on appellate filing fees in criminal cases in which an indigent defendant appeals a judgment of a county or circuit court to a district court of appeal or the Florida Supreme Court, and for county expenditures on court-related costs of the state attorney and public defender that were paid by the county, provided that such court-related costs were included in a judgment or order rendered by the trial court against the county. Where a state attorney or a public defender is provided space in a county-owned facility, responsibility for calculating county costs associated with the provision of such office space, utilities, and custodial services is hereby vested in the Comptroller in consultation with the Legislative Committee on Intergovernmental Relations.

(4) At the end of the local government fiscal year, all funds remaining on deposit in the special trust fund after all reimbursements have been made as provided for in subsection (3) shall be forwarded to the Treasurer for deposit in the General Revenue Fund of the state.

(3)(5) The *Chief Financial Officer Comptroller* shall adopt any rules necessary to implement his or her responsibilities pursuant to this section.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, between lines 4 and 5, insert: 27.3455, F.S.; modifying county revenue and expenditure reporting requirements; eliminating the allocation priorities of funds collected pursuant to s. 938.05(1), F.S.; amending s.

Amendment 2 (273992)(with title amendment)—On page 21, delete line 18 and insert: *code or ordinance violation in court. The \$200 fee shall*

And the title is amended as follows:

On page 2, delete line 12 and insert: *code or ordinance violation in court;*

Amendment 3 (883034)(with title amendment)—On page 29, between lines 28 and 29, insert:

Section 13. Effective July 1, 2004, subsection (3) is added to section 29.008, Florida Statutes, to read:

29.008 County funding of court-related functions.—

(3) *A county may continue to fund a legal aid program as a local requirement using funds approved by the board of county commissioners.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, delete line 17 and insert: *adopt rules; creating subsection (3) of section 29.008, F.S.; providing that counties may continue to fund legal aid programs as a local requirement with funds approved by the board of county commissioners; amending s. 34.032, F.S.;*

Senator Lynn moved the following amendment which was adopted:

Amendment 4 (632620)(with title amendment)—On page 39, between lines 16 and 17, insert:

Section 21. Effective July 1, 2003, paragraph (b) of subsection (2) of section 61.181, Florida Statutes, is amended to read:

61.181 Depository for alimony transactions, support, maintenance, and support payments; fees.—

(2)

(b)1. For the period of July 1, 1992, through June 30, 2003, The fee imposed in paragraph (a) shall be increased to 4 percent of the support payments which the party is obligated to pay, except that no fee shall be more than \$5.25. The fee shall be considered by the court in determining the amount of support that the obligor is, or may be, required to pay. Notwithstanding the provisions of s. 145.022, 75 percent of the additional revenues generated by this paragraph shall be remitted monthly to the Clerk of the Court Child Support Enforcement Collection System Trust Fund administered by the department as provided in subparagraph 2. These funds shall be used exclusively for the development, implementation, and operation of the Clerk of the Court Child Support Enforcement Collection System to be operated by the depositories, including the automation of civil case information necessary for the State Case Registry. The department shall contract with the Florida Association of Court Clerks and the depositories to design, establish, operate, upgrade, and maintain the automation of the depositories to include, but not be limited to, the provision of on-line electronic transfer of information to the IV-D agency as otherwise required by this chapter. The department's obligation to fund the automation of the depositories is limited to the state share of funds available in the Clerk of the Court Child Support Enforcement Collection System Trust Fund. Each depository created under this section shall fully participate in the Clerk of the Court Child Support Enforcement Collection System and transmit data in a readable format as required by the contract between the Florida Association of Court Clerks and the department.

2. Moneys to be remitted to the department by the depository shall be done daily by electronic funds transfer and calculated as follows:

a. For each support payment of less than \$33, 18.75 cents.

b. For each support payment between \$33 and \$140, an amount equal to 18.75 percent of the fee charged.

c. For each support payment in excess of \$140, 18.75 cents.

3. The fees established by this section shall be set forth and included in every order of support entered by a court of this state which requires payment to be made into the depository.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 5, line 3, after the semicolon (;) insert: *amending s. 61.181, F.S.; continuing the fee imposed on certain payments of alimony and child support;*

Senator Smith moved the following amendments which were adopted:

Amendment 5 (291714)—On page 39, lines 19-26, delete those lines and insert: *142.01 Fine and forfeiture fund contents.—There shall be established by the clerk of the circuit court in each every county of this state a separate fund to be known as the fine and forfeiture fund for use by the clerk of the circuit court in performing court-related functions. The Said fund shall consist of all fines and forfeitures collected by the clerk of the court for violations of in the county under the penal or traffic laws of the state, except those fines imposed under s. 775.0835(1); allocations of court costs and civil penalties pursuant to ss. 318.18 and 318.21; and assessments imposed under ss.*

Amendment 6 (865908)—On page 50, line 20 through page 52, line 9, delete those lines and insert: (6) One hundred dollars or the fine amount designated by county ordinance, plus court costs for illegally parking, under s. 316.1955, in a parking space provided for people who have disabilities. However, this fine will be waived if a person provides to the law enforcement agency that issued the citation for such a violation proof that the person committing the violation has a valid parking permit or license plate issued pursuant to s. 316.1958, s. 320.0842, s.

320.0843, s. 320.0845, or s. 320.0848 or a signed affidavit that the owner of the disabled parking permit or license plate was present at the time the violation occurred, and that such a parking permit or license plate was valid at the time the violation occurred. The law enforcement officer, upon determining that all required documentation has been submitted verifying that the required parking permit or license plate was valid at the time of the violation, must sign an affidavit of compliance. Upon provision of the affidavit of compliance and payment of a \$7.50 \$5 dismissal fee to the clerk of the circuit court, the clerk shall dismiss the citation.

(7) One hundred dollars for a violation of s. 316.1001. However, a person may elect to pay \$30 to the clerk of the court, in which case adjudication is withheld, and no points are assessed under s. 322.27. Upon receipt of the fine, the clerk of the court must retain \$5 for administrative purposes and must forward the \$25 to the governmental entity that issued the citation. Any funds received by a governmental entity for this violation may be used for any lawful purpose related to the operation or maintenance of a toll facility.

(11)(a) Court costs that are to be in addition to the stated fine shall be imposed by the court in an amount not less than the following:

For pedestrian infractions	\$ 3.
For nonmoving traffic infractions	\$ 16 \$ 6.
For moving traffic infractions	\$ 30 \$ 10.

(b) In addition to the court cost assessed under paragraph (a), the court shall impose a \$3 court cost for each infraction to be distributed as provided in s. 938.01 and a \$2 court cost as provided in s. 938.15 when assessed by a municipality or county.

~~Court costs imposed under this subsection may not exceed \$30. A criminal justice selection center or other local criminal justice access and assessment center may be funded from these court costs.~~

Amendment 7 (495892)—On page 52, lines 10-18, delete those lines and insert: Section 32. Paragraphs (f) and (g) of subsection (2) of section 318.21, Florida Statutes, are amended to read:

318.21 Disposition of civil penalties by county courts.—All civil penalties received by a county court pursuant to the provisions of this chapter shall be distributed and paid monthly as follows:

- (2) Of the remainder:
 - (f) ~~Five~~ ~~tenths~~ percent shall be paid to the clerk of the court for administrative costs.

(g)1. If the violation occurred within a municipality or a special improvement district of the Seminole Indian Tribe or Miccosukee Indian Tribe, 56.4 percent shall be paid to that municipality or special improvement district.

2. If the violation occurred within the unincorporated area of a county that is not within a special improvement district of the Seminole Indian Tribe or Miccosukee Indian Tribe, 56.4 percent shall be deposited into the fine and forfeiture fund established pursuant to s. 142.01 paid to that county.

Amendment 8 (525974)(with title amendment)—On page 55, between lines 17 and 18, insert:

Section 37. Effective July 1, 2003, subsection (3) is added to section 721.83, Florida Statutes, to read:

721.83 Consolidation of foreclosure actions.—

(3) A plaintiff shall be required to pay separate filing fees and service charges as provided by general law for each defendant in a consolidated foreclosure action filed pursuant to this section.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 6, delete line 30 and insert: of the court in transferring liens; adding subsection (3) to s. 721.83, F.S.; providing that filing fees and service charges shall be paid separately for each defendant in a consolidated foreclosure action; amending s.

Amendment 9 (513810)(with title amendment)—On page 57, between lines 27 and 28, insert:

Section 40. Effective July 1, 2004, section 775.083, Florida Statutes, is amended to read:

775.083 Fines.—

(1) A person who has been convicted of an offense other than a capital felony may be sentenced to pay a fine in addition to any punishment described in s. 775.082; when specifically authorized by statute, he or she may be sentenced to pay a fine in lieu of any punishment described in s. 775.082. A person who has been convicted of a noncriminal violation may be sentenced to pay a fine. Fines for designated crimes and for noncriminal violations shall not exceed:

- (a) \$15,000, when the conviction is of a life felony.
- (b) \$10,000, when the conviction is of a felony of the first or second degree.
- (c) \$5,000, when the conviction is of a felony of the third degree.
- (d) \$1,000, when the conviction is of a misdemeanor of the first degree.
- (e) \$500, when the conviction is of a misdemeanor of the second degree or a noncriminal violation.

(f) Any higher amount equal to double the pecuniary gain derived from the offense by the offender or double the pecuniary loss suffered by the victim.

(g) Any higher amount specifically authorized by statute.

Fines imposed in this subsection shall be deposited by the clerk of the court in the fine and forfeiture fund established pursuant to s. 142.01. If a defendant is unable to pay a fine, the court may defer payment of the fine to a date certain.

~~(2)(a) In addition to the fines set forth in subsection (1), court costs shall be assessed and collected in each instance a defendant pleads nolo contendere to, or is convicted of, or adjudicated delinquent for, a felony, a misdemeanor, or a criminal traffic offense under state law, or a violation of any municipal or county ordinance if the violation constitutes a misdemeanor under state law. The court costs imposed by this section shall be \$50 for a felony and \$20 for any other offense and shall be deposited by the clerk of the court in the fine and forfeiture fund established pursuant to s. 142.01. A county may adopt an ordinance imposing, in addition to any other fine, penalty, or cost imposed by subsection (1) or any other provision of law, a fine upon any person who, with respect to a charge, indictment, or prosecution commenced in that county, pleads guilty or nolo contendere to, or is convicted of or adjudicated delinquent for, a felony, a misdemeanor, or a criminal traffic offense under state law, or a violation of any municipal or county ordinance if the violation constitutes a misdemeanor under state law.~~

~~(b) The fine is \$50 for a felony and \$20 for any other offense. When the defendant enters the plea or is convicted or adjudicated, in a court in that county, the court may order the defendant to pay such fine if the court finds that the defendant has the ability to pay the fine and that the defendant would not be prevented thereby from being rehabilitated or making restitution.~~

~~(c) The clerk of the court shall collect and deposit the fines in an appropriate county account for disbursement for the purposes provided in this subsection.~~

~~(d) A county that imposes the additional fines authorized under this subsection shall account for the fines separately from other county funds, as crime prevention funds. The county, in consultation with the sheriff, must expend such fines for the costs of collecting the fines and for crime prevention programs in the county, including safe neighborhood programs under ss. 163.501-163.523.~~

(3) The purpose of this section is to provide uniform penalty authorization for criminal offenses and, to this end, a reference to this section constitutes a general reference under the doctrine of incorporation by reference.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 7, between lines 11 and 12, insert: amending s. 775.083, F.S.; deleting provisions authorizing counties to impose and collect additional fines to be used to pay for local crime prevention programs; providing for the disposition of fines and costs;

Amendment 10 (520786)(with title amendment)—On page 58, between lines 25 and 26, insert:

Section 42. Effective July 1, 2004, section 938.05, Florida Statutes, is amended to read:

938.05 Local Government Criminal Justice Trust Fund.—

(1) When any person pleads nolo contendere to a misdemeanor or criminal traffic offense under s. 318.14(10)(a) or pleads guilty or nolo contendere to, or is found guilty of, any felony, misdemeanor, or criminal traffic offense under the laws of this state or the violation of any municipal or county ordinance which adopts by reference any misdemeanor under state law, there shall be imposed as a cost in the case, in addition to any other cost required to be imposed by law, a sum in accordance with the following schedule:

- (a) Felonies \$200
- (b) Misdemeanors \$50
- (c) Criminal traffic offenses \$50

(2) Payment of the additional court costs provided for in subsection (1) shall be made part of any plea agreement reached by the prosecuting attorney and defense counsel or the criminal defendant where the plea agreement provides for the defendant to plead guilty or nolo contendere to any felony, misdemeanor, or criminal traffic offense under the laws of this state or any municipal or county ordinance which adopts by reference any misdemeanor under state law.

(3) The clerk of the court shall collect such additional costs for deposit in the fine and forfeiture fund established pursuant to s. 142.01 and shall notify the agency supervising a person upon whom costs have been imposed upon full payment of fees. ~~The clerk shall deposit all but \$3 for each misdemeanor or criminal traffic case and all but \$5 for each felony case in a special trust fund of the county. Such funds shall be used exclusively for those purposes set forth in s. 27.3455(3). The clerk shall retain \$3 for each misdemeanor or criminal traffic case and \$5 for each felony case of each scheduled amount collected as a service charge of the clerk's office. A political subdivision shall not be held liable for the payment of the additional costs imposed by this section.~~

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 7, delete line 24 and insert: Fund; amending s. 938.05, F.S.; directing court costs to be deposited in the clerk of the courts fine and forfeiture fund instead of the county trust fund; amending s. 938.07, F.S.; increasing the

Amendment 11 (323880)(with title amendment)—On page 58, line 26 through page 59, line 14, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 7, lines 24 through 28, delete those lines and insert: fund; amending s. 938.35,

MOTION

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

Senator Smith moved the following amendments which were adopted:

Amendment 12 (523996)(with title amendment)—On page 152, between lines 3 and 4, insert:

Section 146. Subsection (4) is added to section 218.25, Florida Statutes, to read:

218.25 Limitation of shared funds; holders of bonds protected; limitation on use of second guaranteed entitlement for counties.—

(4) *Notwithstanding subsections (1) and (2), a county may assign, pledge, or set aside as a trust for the payment of principal or interest on bonds, tax anticipation certificates, or any other form of indebtedness an amount up to 50 percent of the funds received in the prior year.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 8, line 26, after the semicolon (;) insert: amending s. 218.25, F.S.; allowing a county to assign, pledge, or set aside certain funds as a trust for payment on indebtedness;

Amendment 13 (473060)—On page 43, lines 12-15, delete those lines and insert:

4. After the distribution under subparagraphs 1., 2., and 3., 0.095 ~~0.065~~ percent shall be transferred to the Local Government Half-cent Sales Tax Clearing Trust Fund and distributed pursuant to s. 218.65.

Pursuant to Rule 4.19, **CS for CS for SB 1492** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Bennett—

CS for CS for SB 1286—A bill to be entitled An act relating to construction defects; providing legislative findings and declaration; providing definitions; providing for the dismissal of dwelling actions under certain circumstances; providing for notice and opportunity to repair; providing prerequisites to bring an action based on alleged construction defects; providing for inspections; providing evidentiary presumptions; providing for tolling a statute of limitations; providing for certain notifications to the purchaser at the time of sale; providing severability; providing an effective date.

—was read the second time by title.

Senator Bennett moved the following amendments which were adopted:

Amendment 1 (953054)—On page 2, lines 12-14, delete those lines and insert: *professional concerning a construction defect. The term does not include a contractor, subcontractor,*

Amendment 2 (322592)—On page 3, delete line 8 and insert: *manufactured or modular home, duplex, or unit in a multifamily residential*

Amendment 3 (511550)—On page 4, delete line 1 and insert: *on the contractor, subcontractor, supplier, or design professional, as applicable. The notice of claim must describe the claim*

Amendment 4 (753704)—On page 4, line 17, delete “defect. The” and insert: *defect and the*

Amendment 5 (404864)—On page 4, line 31 through page 5, line 2, delete those lines and insert: *each subcontractor, supplier, or design professional who it reasonably believes*

Amendment 6 (443096)—On page 9, line 1, delete “extend” and insert: *extent*

Amendment 7 (271362)—On page 9, line 6, after the comma (,) insert: *design,*

Pursuant to Rule 4.19, **CS for CS for SB 1286** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano—

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.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 726** was placed on the calendar of Bills on Third Reading.

On motion by Senator Villalobos—

SB 278—A bill to be entitled An act relating to transportation of inmates; amending s. 945.091, F.S.; limiting the mode of transport an inmate may use in traveling to and from a place of employment, education, or training; authorizing the Department of Corrections to transport inmates in state-owned vehicles under certain circumstances; creating s. 945.0913, F.S.; prohibiting an inmate from driving a state-owned vehicle to transport inmates in a work-release program; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 278** was placed on the calendar of Bills on Third Reading.

On motion by Senator Smith—

SB 330—A bill to be entitled An act relating to firefighter and municipal police pensions; creating s. 175.1015, F.S.; authorizing the Department of Revenue to create and maintain a database for use by insurers that report and remit an excise tax on property insurance premiums; providing insurers with incentives for using the database; providing penalties for failure to use the database; requiring local governments to provide information to the department; appropriating funds to the department for the administration of the database; authorizing the department to adopt rules; creating s. 185.085, F.S.; authorizing the Department of Revenue to create and maintain a database for use by insurers that report and remit an excise tax on casualty insurers premiums; providing incentives to insurers for using the database and penalties for failure to use the database; requiring local governments to provide information to the department; appropriating funds to the department for the administration of the database; authorizing the department to adopt rules; providing for distribution of tax revenues through 2007; amending s. 175.351, F.S.; defining the term “extra benefits” with respect to pension plans for firefighters; amending s. 185.35, F.S.; providing for the meaning of the term “extra benefits” with respect to pension plans for municipal police officers; providing an appropriation to the Department of Revenue; providing an effective date.

—was read the second time by title.

SENATOR CONSTANTINE PRESIDING

MOTION

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

Senator Smith moved the following amendments which were adopted:

Amendment 1 (274278)(with title amendment)—Between page 15, line 31 and page 16, line 1, insert:

Section 5. Subsection (7) is added to section 175.061, Florida Statutes, to read:

175.061 Board of trustees; members; terms of office; meetings; legal entity; costs; attorney’s fees.—For any municipality, special fire control district, chapter plan, local law municipality, local law special fire control district, or local law plan under this chapter:

(7) *The board of trustees may, upon written request by the retiree of the plan, or by a dependent, when authorized by the retiree or the retiree’s beneficiary, authorize the plan administrator to withhold from the monthly retirement payment those funds that are necessary to pay for the benefits being received through the governmental entity from which the*

employee retired, to pay the certified bargaining agent of the governmental entity, and to make any payments required by law.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 1, after the semicolon (;) insert: amending s. 175.061, F.S.; authorizing the plan administrator to withhold certain funds;

Amendment 2 (194124)(with title amendment)—Between page 15, line 31 and page 16, line 1, insert:

Section 5. Present subsection (6) of section 185.05, Florida Statutes, is redesignated as subsection (7), and a new subsection (6) is added to that section, to read:

185.05 Board of trustees; members; terms of office; meetings; legal entity; costs; attorney’s fees.—For any municipality, chapter plan, local law municipality, or local law plan under this chapter:

(6) *The board of trustees may, upon written request by the retiree of the plan, or by a dependent, when authorized by the retiree or the retiree’s beneficiary, authorize the plan administrator to withhold from the monthly retirement payment those funds that are necessary to pay for the benefits being received through the governmental entity from which the employee retired, to pay the certified bargaining agent of the governmental entity, and to make any payments required by law.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 1, after the semicolon (;) insert: amending s. 185.05, F.S.; authorizing the plan administrator to withhold certain funds;

Pursuant to Rule 4.19, **SB 330** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 1020** was deferred.

On motion by Senator Atwater—

CS for SB 1126—A bill to be entitled An act relating to the local government half-cent sales tax; amending s. 218.62, F.S.; amending the distribution formula for proceeds from the tax; providing for retroactivity; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1126** was placed on the calendar of Bills on Third Reading.

On motion by 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.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 1138** was placed on the calendar of Bills on Third Reading.

On motion by Senator Peaden—

CS for SB 2020—A bill to be entitled An act relating to health flex plans; amending s. 408.909, F.S.; revising the definition of the term

“health flex plans”; authorizing plans to limit the term of coverage; extending the required period without coverage before one is eligible to participate; extending the expiration date for the program; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2020** was placed on the calendar of Bills on Third Reading.

On motion by 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.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 2414** was placed on the calendar of Bills on Third Reading.

On motion by Senator Wasserman Schultz—

SB 2136—A bill to be entitled An act relating to postsecondary student fees; amending s. 1009.24, F.S.; providing that each university board of trustees is authorized to establish a nonrefundable admissions deposit for degree programs; deleting authorization to impose a charge for overdue accounts; providing an effective date.

—was read the second time by title.

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

Amendment 1 (930514)(with title amendment)—On page 2, lines 29 and 30, delete those lines and insert: *(j)(4)* A charge representing the reasonable cost of efforts to collect payment of overdue accounts.

(Redesignate subsequent paragraphs.)

And the title is amended as follows:

On page 1, lines 6 and 7, delete those lines and insert: for degree programs; providing

Pursuant to Rule 4.19, **SB 2136** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Bennett—

SB 2406—A bill to be entitled An act relating to the recreational trails system; amending s. 260.012, F.S.; encouraging state, regional, and local agencies to give additional priority points for acquisition in purchasing land that includes the Florida National Scenic Trail; providing an effective date.

—was read the second time by title.

The Committee on Natural Resources recommended the following amendment which was moved by Senator Bennett and failed:

Amendment 1 (622790)(with title amendment)—On page 1, between lines 27 and 28, insert:

Section 2. Section 260.0125, Florida Statutes, is amended to read:

260.0125 Limitation on liability of private landowners whose property is designated as part of the statewide *or local government* system of greenways and trails.—

(1)(a) A private landowner whose land is designated as part of the statewide system of greenways and trails pursuant to s. 260.016(2)(d) *or designated as part of any local trail system owned by a local government,*

including a person holding a subservient interest, owes no duty of care to keep that land safe for entry or use by others or to give warning to persons entering that land of any hazardous conditions, structures, or activities thereon. Such landowner shall not:

1. Be presumed to extend any assurance that such land is safe for any purpose;

2. Incur any duty of care toward a person who goes on the land; or

3. Become liable or responsible for any injury to persons or property caused by the act or omission of a person who goes on the land.

(b) The provisions of paragraph (a) apply whether the person going on the designated greenway or trail is an invitee, licensee, trespasser, or otherwise.

(2) Any private landowner who consents to designation of his or her land as part of the statewide system of greenways and trails pursuant to s. 260.016(2)(d) without compensation shall be considered a volunteer, as defined in s. 110.501, and shall be covered by state liability protection pursuant to s. 768.28, including s. 768.28(9).

(3)(a) The provisions of subsection (1) shall not apply if there is any charge made or usually made by the landowner for entering or using the land designated as a greenway or trail, or any part thereof, or if any commercial or other activity whereby profit is derived by the landowner from the patronage of the general public is conducted on the land so designated or any part thereof.

(b) Incentives granted by any unit of government to the private landowner, including tax incentives, grants, or other financial consideration specific to the development or management of designated greenways and trails, shall not be construed as a charge for use or profit derived from patronage for purposes of this subsection and shall not be construed as monetary or material compensation for purposes of subsection (2).

(4) The provisions of subsection (1) shall also apply to adjacent land owned by the private landowner who consents to designation of a greenway or trail where such adjacent land is accessed through the land so designated.

(5)(a) When a private landowner agrees to make his or her land available for public use as a designated greenway or trail, the *agency or governmental entity responsible for managing the trail* ~~department or its designee~~ shall post notices *at the entrances along the boundary* of the designated greenway or trail which inform the public that the land adjacent to the greenway or trail is private property upon which unauthorized entry for any purpose is prohibited and constitutes trespassing.

(b) Such notices must comply with s. 810.011(5) and shall constitute a warning to unauthorized persons to remain off the private property and not to depart from the designated greenway or trail. Any person who commits such an unauthorized entry commits a trespass as provided in s. 810.09.

(6) If agreed to by the department and the landowner in the designation agreement, a landowner whose land is designated as part of the statewide system of greenways and trails pursuant to s. 260.016(2)(d) shall be indemnified for:

(a) Any injury or damage incurred by a third party arising out of the use of the designated greenway or trail;

(b) Any injury or damage incurred by a third party on lands adjacent to and accessed through the designated greenway or trail; and

(c) Any damage to the landowner's property, including land adjacent to and accessed through the designated greenway or trail, caused by the act or omission of a third person resulting from any use of the land so designated.

(7) This section does not relieve any person of liability that would otherwise exist for deliberate, willful, or malicious injury to persons or property. The provisions of this section shall not be deemed to create or increase the liability of any person.

(8) *Any person who brings suit against a private land owner who has allowed his property to be used as a greenway or trail pursuant to this*

section shall be liable for attorney's fees and costs if that person fails to prevail in the filed action. Any attorney who knowingly files suit on behalf of any person who has been injured using a trail or greenway established by state or local government when such injury was not caused by deliberate, willful, or malicious actions of the person against whom the suit is brought shall also be liable for all fees and costs if the person injured does not prevail.

Section 3. Subsection (6) of section 260.0142, Florida Statutes, is amended to read:

260.0142 Florida Greenways and Trails Council; composition; powers and duties.—

(6) A vacancy on the council shall be filled for the remainder of the unexpired term in the same manner as the original appointment. Members whose terms have expired may continue to serve until replaced or reappointed. ~~No member shall serve on the council for more than two consecutive terms.~~

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 7, after the semicolon (;) insert: amending s. 260.0125, F.S.; limiting the liability of landowners whose property is designated as part of a local government system of greenways and trails; providing for attorney's fees and costs in favor of such a landowner in specified circumstances; amending s. 260.0142, F.S.; deleting a limitation on service on the Florida Greenways and Trails Council;

Senator Bennett moved the following amendment which was adopted:

Amendment 2 (800940)(with title amendment)—On page 1, between lines 27 and 28, insert:

Section 2. Subsection (6) of section 260.0142, Florida Statutes, is amended to read:

260.0142 Florida Greenways and Trails Council; composition; powers and duties.—

(6) A vacancy on the council shall be filled for the remainder of the unexpired term in the same manner as the original appointment. Members whose terms have expired may continue to serve until replaced or reappointed. ~~No member shall serve on the council for more than two consecutive terms.~~

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 7, after the semicolon (;) insert: amending s. 260.0142, F.S.; deleting a limitation on service on the Florida Greenways and Trails Council;

Pursuant to Rule 4.19, **SB 2406** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Lynn—

CS for SB 2456—A bill to be entitled An act relating to adoption; amending s. 63.022, F.S.; providing legislative findings and intent with respect to the rights and responsibilities of adoptive children, biological parents, and adoptive parents; providing that certain requirements do not apply to an adoption involving a relative or stepchild; providing legislative intent concerning cooperation between the Department of Children and Family Services and private adoption entities; amending s. 63.032, F.S.; revising definitions; defining the terms “unmarried biological father” and “adoption plan”; amending s. 63.039, F.S.; providing for an award of certain fees and costs in the event of fraud or duress at the discretion of the court; requiring that certain court findings of sanctionable conduct be forwarded to the Office of the Attorney General; amending s. 63.042, F.S.; revising provisions specifying who may adopt; amending s. 63.0423, F.S.; revising references to newborn infants; authorizing a child-placing agency to remove an abandoned infant from a placement under certain circumstances; revising requirements for conducting a diligent search to identify a parent of an abandoned infant; revising certain requirements for the court; revising time periods for

providing notice of certain actions; revising the period within which a judgment of termination of parental rights may be voided; amending s. 63.0425, F.S.; revising requirements for notifying a grandparent with whom the child has resided of a hearing on a petition for termination of parental rights; deleting a requirement that the court give first priority for adoption to the grandparent under certain conditions; amending s. 63.0427, F.S.; revising provisions governing a minor's right to communicate with siblings and other relatives; providing for postadoption communication or contact with parents whose parental rights have been terminated; amending s. 63.043, F.S.; deleting provisions prohibiting certain screening or testing for purposes of employment or admission into educational institutions; amending s. 63.052, F.S.; revising provisions specifying the entity that may be the guardian of a minor placed for an adoption; revising the responsibilities and authority of the guardian; creating s. 63.053, F.S.; providing legislative findings with respect to the rights and responsibilities of an unmarried biological father; creating s. 63.054, F.S.; providing requirements for the unmarried biological father to establish parental rights; creating the Florida Putative Father Registry within the Office of Vital Statistics of the Department of Health; providing requirements for registering with the Florida Putative Father Registry; providing requirements for searching the registry; directing the Department of Health to provide for an application and inform the public of the Florida Putative Father Registry; providing for removal of the registrant's name from the registry; providing rulemaking authority; amending s. 63.062, F.S.; revising provisions specifying the persons from whom a consent for adoption is required; providing conditions under which the consent for adoption of an unmarried biological father must be obtained; authorizing the execution of an affidavit of nonpaternity prior to the birth of the child; deleting requirements for a form for the affidavit of nonpaternity; revising the conditions under which a petition to adopt an adult may be granted; revising venue requirements for terminating parental rights; creating s. 63.063, F.S.; providing for the responsibilities of each party pertaining to fraudulent actions; providing requirements for a biological father to contest a termination of parental rights; creating s. 63.064, F.S.; authorizing the court to waive the requirement that consent for adoption be obtained from certain persons; amending s. 63.082, F.S.; revising requirements for executing a consent for adoption and obtaining certain information concerning the child and birth parents; providing for executing an affidavit of nonpaternity prior to the birth of the child; authorizing an adoption entity to intervene as a party in interest under certain circumstances; providing for placement of a minor when the minor is in the custody of the Department of Children and Family Services; revising requirements for withdrawing a consent for adoption; amending s. 63.085, F.S.; revising the requirements for required disclosures by an adoption entity; amending s. 63.087, F.S.; revising provisions governing the proceedings for terminating parental rights pending adoption; revising the venue requirements for filing a petition to terminate parental rights; revising requirements for a petition for terminating parental rights pending adoption; amending s. 63.088, F.S.; providing for limited notice requirements for an unmarried biological father; revising the period within which an inquiry and diligent search must be initiated; revising requirements for notice concerning the termination of parental rights; revising the individuals for whom information regarding identity is required; revising the inquiries required for diligent search; revising requirements for constructive service; amending s. 63.089, F.S.; revising hearing requirements for terminating parental rights; revising conditions under which the court may enter a judgment terminating parental rights; revising conditions for making a finding of abandonment; revising requirements for issuing and voiding a judgment terminating parental rights; amending s. 63.092, F.S.; revising requirements for placing of a minor by an adoption entity; revising requirements for a preliminary home study; amending s. 63.097, F.S.; revising the fees, costs, and expenses that may be assessed by an adoption entity; revising the total of the fees, costs, and expenses for which court approval is required; prohibiting certain fees, costs, and expenses; amending s. 63.102, F.S.; revising the period within which a petition for adoption may be filed; providing for exceptions for adoptions of adults and adoptions by step-parents and relatives; revising requirements pertaining to prior approval of fees and costs; providing for the clerk of the court to charge one filing fee for certain adoption-related actions; amending s. 63.112, F.S.; revising requirements for the petition documents for an adoption; amending s. 63.122, F.S.; providing requirements for the notice of the hearing on the petition for adoption; amending s. 63.125, F.S.; revising the period within which a home investigation report must be filed; amending s. 63.132, F.S.; revising the period within which an affidavit of expenses and receipts must be filed; revising requirements for the

affidavit of expenses and receipts; providing an exception for the adoption of a relative or an adult; amending s. 63.135, F.S.; requiring that certain information be provided to the court for all adoption proceedings; amending s. 63.142, F.S.; allowing persons to appear before the court telephonically; revising conditions under which a judgment terminating parental rights is voidable; revising requirements pertaining to the court's consideration of setting aside a judgment terminating parental rights; amending s. 63.152, F.S.; revising the entities responsible for preparing a statement of the adoption for the state registrar of vital statistics; requiring the clerk of the court to transmit the statement of the adoption to the state registrar; amending s. 63.162, F.S.; revising certain notice requirements concerning the disclosure of information pertaining to an adoption; amending s. 63.167, F.S.; authorizing the department to contract with more than one child-placing agency for the operation of a state adoption information center; amending s. 63.182, F.S.; revising the statute of repose to conform to changes made by the act; repealing s. 63.185, F.S., relating to the residency requirement for adoptions; amending s. 63.207, F.S.; providing for the court's jurisdiction with respect to out-of-state placements; amending s. 63.212, F.S.; requiring an out-of-state adoption to be in compliance with the Interstate Compact for the Placement of Children when applicable; deleting certain provisions concerning preplanned adoption agreements; revising acts that are unlawful pertaining to adoptions; creating s. 63.213, F.S.; providing requirements for a preplanned adoption arrangement; providing definitions; amending s. 63.219, F.S.; revising conditions under which the court may sanction an adoption entity; amending s. 63.235, F.S.; providing application; providing an effective date.

—was read the second time by title.

Senator Lynn moved the following amendments which were adopted:

Amendment 1 (233752)—On page 122, lines 3-8, delete those lines and insert:

63.235 Petitions filed before *effective date October 1, 2001*; governing law.—Any petition for adoption filed before *the effective date of this act October 1, 2001*, shall be governed by the law in effect at the time the petition was filed.

Section 39. This act shall take effect upon becoming a law.

Amendment 2 (475808)—On page 122, lines 7 and 8, delete those lines and insert:

Section 39. This act shall take effect upon becoming a law.

Pursuant to Rule 4.19, **CS for SB 2456** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

CS for SB 2526—A bill to be entitled An act relating to public records; creating s. 63.541, F.S.; creating an exemption from public-records requirements for information contained in the Florida Putative Father Registry maintained by the Office of Vital Statistics within the Department of Health; providing for exceptions to the exemption; providing that the database is confidential and exempt from public disclosure; providing for future legislative review and repeal; providing findings of public necessity; providing a contingent effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2526** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 2726** was deferred.

On motion by Senator Geller—

CS for SB 1928—A bill to be entitled An act relating to complaints against health care practitioners; amending s. 456.073, F.S.; providing that a state prisoner must exhaust all available administrative remedies before filing a complaint with the Department of Health against a health

care practitioner who is providing health care services within the Department of Corrections, unless the practitioner poses a serious threat to the health or safety of a person who is not a state prisoner; requiring the Department of Health to be notified if a health care practitioner is disciplined or allowed to resign for a practice-related offense; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1928** was placed on the calendar of Bills on Third Reading.

On motion by Senator Diaz de la Portilla—

SB 1840—A bill to be entitled An act relating to specialty license plates; amending ss. 320.08056 and 320.08058, F.S.; creating the Stop Heart Disease license plate; providing for distribution to the Florida Heart Research Foundation of annual use fees received from the sale of such plates; providing an effective date.

—was read the second time by title.

MOTION

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

Senator Carlton offered the following amendment which was moved by Senator Diaz de la Portilla and adopted:

Amendment 1 (904806)(with title amendment)—On page 2, line 22 through page 4, line 12, delete those lines and insert:

Section 1. Paragraphs (mm) and (nn) are added to subsection (4) of section 320.08056, Florida Statutes, to read:

320.08056 Specialty license plates.—

(4) The following license plate annual use fees shall be collected for the appropriate specialty license plates:

(mm) *Stop Heart Disease license plate*, \$25.

(nn) *Protect Our Reefs license plate*, \$25.

Section 2. Paragraph (b) of subsection (12) of section 320.08058, Florida Statutes, is amended, and subsections (39) and (40) are added to that section, to read:

320.08058 Specialty license plates.—

(12) FLORIDA ARTS LICENSE PLATES.—

(b) The license plate annual use fees are to be annually distributed as follows:

1. All fees collected must be forwarded quarterly to the *single arts council officially designated by the county in direct proportion to the amounts of fees collected in each county. If there is no county arts council, fees collected must be forwarded to such other agency in the county as the highest ranking county administrative official designates, to be applied by the arts council or agency to support arts organizations, arts programs, and arts activities within the county* ~~Division of Cultural Affairs of the Department of State, together with a report setting forth the amount of such fees collected in each county, and must be deposited into the Florida Fine Arts Trust Fund.~~

2. ~~The Division of Cultural Affairs shall distribute the fees forwarded to it by the department to the counties in the amounts set forth in the report required under subparagraph 1., in each case to the county arts council for such county or, if there is none, to such other agency in the county as the division designates, to be applied by the council or agency to support art organizations, programs, and activities within the county.~~

(39) *STOP HEART DISEASE LICENSE PLATES.*—

(a) *The department shall develop a Stop Heart Disease license plate as provided in this section. Stop Heart Disease license plates must bear*

the colors and design approved by the department. The plate shall be designed to include a red, white, and blue background with a slanted heart shape in the middle of the plate. The word "Florida" shall appear at the top of the plate in yellow outlined in black, and the words "Stop Heart Disease" shall appear at the bottom of the plate in yellow.

(b) The department shall remit the proceeds of the annual use fee to the Florida Heart Research Foundation. The first \$80,000 of the use fee given to the Florida Heart Research Foundation shall be used to pay startup costs, including costs incurred developing and issuing the plates. Thereafter, the Florida Heart Research Foundation shall provide for a peer review grant solicitation and award process to distribute fees for cardiovascular disease research, education, and prevention within the state and shall make the funds available for any one or more of the following:

1. Quality research to pursue top quality cardiovascular research that will further understanding of heart disease and its cause, treatment, cure, and prevention. Accepted projects must conform to the highest standards of scientific research, be efficiently organized, and report updates continually to ensure research credibility and excellence.

2. Heart disease prevention programs to provide cardiovascular screenings to state residents.

3. Educational programs to offer literature, seminars, or speakers for both clinicians and lay people so that the latest risk factors, technologies, treatments, methodologies, protocols, and preventive measures are well known and used in the state.

(c) In the first year in which the plate is issued, no more than 25 percent of the fees collected may be used for administrative costs directly associated with the operation of the Florida Heart Research Foundation and marketing and promotion of the Stop Heart Disease license plate. In the second and subsequent years in which the plate is sold, no more than 20 percent of the fees collected may be used for administrative costs directly associated with the operation of the Florida Heart Research Foundation and marketing and promotion of the Stop Heart Disease license plate.

(40) **PROTECT OUR REEFS LICENSE PLATES.**—

(a) The department shall develop a Protect Our Reefs license plate as provided in this section. Protect Our Reefs license plates must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Protect Our Reefs" must appear at the bottom of the plate.

(b) The proceeds of the annual use fee shall be distributed to Mote Marine Laboratory, Inc., to fund Florida reef research, conservation, and education programs. Up to 15 percent of the funds received by Mote Marine Laboratory, Inc., may be expended for annual administrative costs directly associated with the administration of the Protect Our Reefs program. Up to 10 percent of the funds received by Mote Marine Laboratory, Inc., may be used by Mote Marine Laboratory, Inc., for the continuing promotion and marketing of the license plate. After reimbursement for documented costs expended in the establishment of the plate, Mote Marine Laboratory, Inc., shall use and distribute the remaining funds to eligible Florida-based scientific, conservation, and education organizations for the collection, analysis, and distribution of scientific, educational, and conservation information to the research community; federal, state, and local government agencies; educational institutions; and the public. Eligible organizations shall be based in Florida and engaged in reef research, conservation, or education.

(c) The state Auditor General may examine any records of Mote Marine Laboratory, Inc., and any other organization that receives funds from the sale of the Protect Our Reefs license plate, to determine compliance with law.

And the title is amended as follows:

On page 1, lines 4-8, delete those lines and insert: creating the Stop Heart Disease license plate and Protect Our Reefs license plate; providing for distribution of annual use fees received from the sale of such plates; providing an effective date.

Pursuant to Rule 4.19, **SB 1840** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Lee, by two-thirds vote **HB 1051** was withdrawn from the Committees on Ethics and Elections; and Rules and Calendar.

On motion by Senator Lee—

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.

—a companion measure, was substituted for **SB 2318** and read the second time by title.

Pursuant to Rule 4.19, **HB 1051** was placed on the calendar of Bills on Third Reading.

On motion by Senator Lee, by two-thirds vote **HB 739** was withdrawn from the Committee on Governmental Oversight and Productivity.

On motion by Senator Lee—

HB 739—A bill to be entitled An act relating to succession to the office of Governor; amending s. 14.055, F.S.; revising provisions relating to succession to the office of Governor; reenacting s. 14.056, F.S., relating to succession as Acting Governor, to provide for the same amendments to succession in office as provided for succession to the office of Governor; providing an effective date.

—a companion measure, was substituted for **SB 2318** and read the second time by title.

Pursuant to Rule 4.19, **HB 739** was placed on the calendar of Bills on Third Reading.

On motion by Senator Lynn, the Senate recalled from engrossing—

CS for SB 2456—A bill to be entitled An act relating to adoption; amending s. 63.022, F.S.; providing legislative findings and intent with respect to the rights and responsibilities of adoptive children, biological parents, and adoptive parents; providing that certain requirements do not apply to an adoption involving a relative or stepchild; providing legislative intent concerning cooperation between the Department of Children and Family Services and private adoption entities; amending s. 63.032, F.S.; revising definitions; defining the terms "unmarried biological father" and "adoption plan"; amending s. 63.039, F.S.; providing for an award of certain fees and costs in the event of fraud or duress at the discretion of the court; requiring that certain court findings of sanctionable conduct be forwarded to the Office of the Attorney General; amending s. 63.042, F.S.; revising provisions specifying who may adopt; amending s. 63.0423, F.S.; revising references to newborn infants; authorizing a child-placing agency to remove an abandoned infant from a placement under certain circumstances; revising requirements for conducting a diligent search to identify a parent of an abandoned infant; revising certain requirements for the court; revising time periods for providing notice of certain actions; revising the period within which a judgment of termination of parental rights may be voided; amending s. 63.0425, F.S.; revising requirements for notifying a grandparent with whom the child has resided of a hearing on a petition for termination of parental rights; deleting a requirement that the court give first priority for adoption to the grandparent under certain conditions; amending s. 63.0427, F.S.; revising provisions governing a minor's right to communicate with siblings and other relatives; providing for postadoption communication or contact with parents whose parental rights have been terminated; amending s. 63.043, F.S.; deleting provisions prohibiting certain screening or testing for purposes of employment or admission into educational institutions; amending s. 63.052, F.S.; revising provisions specifying the entity that may be the guardian of a minor placed for an adoption; revising the responsibilities and authority of the guardian; creating s. 63.053, F.S.; providing legislative findings with respect to the rights and responsibilities of an unmarried biological father; creating s. 63.054, F.S.; providing requirements for the unmarried biological father to establish parental rights; creating the Florida Putative Father Registry within the Office of Vital Statistics of the Department of Health; providing requirements for registering with the Florida Putative Father Registry; providing requirements for searching the registry;

directing the Department of Health to provide for an application and inform the public of the Florida Putative Father Registry; providing for removal of the registrant's name from the registry; providing rulemaking authority; amending s. 63.062, F.S.; revising provisions specifying the persons from whom a consent for adoption is required; providing conditions under which the consent for adoption of an unmarried biological father must be obtained; authorizing the execution of an affidavit of nonpaternity prior to the birth of the child; deleting requirements for a form for the affidavit of nonpaternity; revising the conditions under which a petition to adopt an adult may be granted; revising venue requirements for terminating parental rights; creating s. 63.063, F.S.; providing for the responsibilities of each party pertaining to fraudulent actions; providing requirements for a biological father to contest a termination of parental rights; creating s. 63.064, F.S.; authorizing the court to waive the requirement that consent for adoption be obtained from certain persons; amending s. 63.082, F.S.; revising requirements for executing a consent for adoption and obtaining certain information concerning the child and birth parents; providing for executing an affidavit of nonpaternity prior to the birth of the child; authorizing an adoption entity to intervene as a party in interest under certain circumstances; providing for placement of a minor when the minor is in the custody of the Department of Children and Family Services; revising requirements for withdrawing a consent for adoption; amending s. 63.085, F.S.; revising the requirements for required disclosures by an adoption entity; amending s. 63.087, F.S.; revising provisions governing the proceedings for terminating parental rights pending adoption; revising the venue requirements for filing a petition to terminate parental rights; revising requirements for a petition for terminating parental rights pending adoption; amending s. 63.088, F.S.; providing for limited notice requirements for an unmarried biological father; revising the period within which an inquiry and diligent search must be initiated; revising requirements for notice concerning the termination of parental rights; revising the individuals for whom information regarding identity is required; revising the inquiries required for diligent search; revising requirements for constructive service; amending s. 63.089, F.S.; revising hearing requirements for terminating parental rights; revising conditions under which the court may enter a judgment terminating parental rights; revising conditions for making a finding of abandonment; revising requirements for issuing and voiding a judgment terminating parental rights; amending s. 63.092, F.S.; revising requirements for placing of a minor by an adoption entity; revising requirements for a preliminary home study; amending s. 63.097, F.S.; revising the fees, costs, and expenses that may be assessed by an adoption entity; revising the total of the fees, costs, and expenses for which court approval is required; prohibiting certain fees, costs, and expenses; amending s. 63.102, F.S.; revising the period within which a petition for adoption may be filed; providing for exceptions for adoptions of adults and adoptions by step-parents and relatives; revising requirements pertaining to prior approval of fees and costs; providing for the clerk of the court to charge one filing fee for certain adoption-related actions; amending s. 63.112, F.S.; revising requirements for the petition documents for an adoption; amending s. 63.122, F.S.; providing requirements for the notice of the hearing on the petition for adoption; amending s. 63.125, F.S.; revising the period within which a home investigation report must be filed; amending s. 63.132, F.S.; revising the period within which an affidavit of expenses and receipts must be filed; revising requirements for the affidavit of expenses and receipts; providing an exception for the adoption of a relative or an adult; amending s. 63.135, F.S.; requiring that certain information be provided to the court for all adoption proceedings; amending s. 63.142, F.S.; allowing persons to appear before the court telephonically; revising conditions under which a judgment terminating parental rights is voidable; revising requirements pertaining to the court's consideration of setting aside a judgment terminating parental rights; amending s. 63.152, F.S.; revising the entities responsible for preparing a statement of the adoption for the state registrar of vital statistics; requiring the clerk of the court to transmit the statement of the adoption to the state registrar; amending s. 63.162, F.S.; revising certain notice requirements concerning the disclosure of information pertaining to an adoption; amending s. 63.167, F.S.; authorizing the department to contract with more than one child-placing agency for the operation of a state adoption information center; amending s. 63.182, F.S.; revising the statute of repose to conform to changes made by the act; repealing s. 63.185, F.S., relating to the residency requirement for adoptions; amending s. 63.207, F.S.; providing for the court's jurisdiction with respect to out-of-state placements; amending s. 63.212, F.S.; requiring an out-of-state adoption to be in compliance with the Interstate Compact for the Placement of Children when applicable; deleting certain provisions concerning preplanned adoption agreements; revising acts

that are unlawful pertaining to adoptions; creating s. 63.213, F.S.; providing requirements for a preplanned adoption arrangement; providing definitions; amending s. 63.219, F.S.; revising conditions under which the court may sanction an adoption entity; amending s. 63.235, F.S.; providing application; providing an effective date.

—for further consideration.

RECONSIDERATION OF AMENDMENT

On motion by Senator Lynn, the Senate reconsidered the vote by which **Amendment 2 (475808)** was adopted. **Amendment 2** was withdrawn.

Pursuant to Rule 4.19, **CS for SB 2456** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Bennett, by two-thirds vote **HB 235** was withdrawn from the Committees on Banking and Insurance; and Commerce, Economic Opportunities, and Consumer Services.

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

HB 235—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.

—a companion measure, was substituted for **CS for SB 1464** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 235** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 1446** was deferred.

On motion by Senator Atwater—

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.

—was read the second time by title.

Senator Atwater moved the following amendment:

Amendment 1 (372514)—On page 2, lines 19-21, delete those lines and insert:

(d) Except for funds expended pursuant to Title XIX, it is the intent of the Legislature that certified local funding for federal matching programs not supplant or replace state funds. Beginning July 1, 2004, any state funds supplanted or replaced with local tax revenues for Title XIX funds shall be expressly approved in the General Appropriations Act or by the Legislative Budget Commission pursuant to chapter 216, Florida Statutes.

MOTION

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

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

Amendment 1A (823990)—On page 1, line 17, after “*Title XIX*” insert: *of the Social Security Act*

Amendment 1 as amended was adopted.

Senator Atwater moved the following amendment which was adopted:

Amendment 2 (593910)—On page 3, line 20, after “*law*” insert: *or state law, including the General Appropriations Act,*

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 3 (040462)(with title amendment)—On page 5, between lines 28 and 29, insert:

Section 2. Subsection (2) of section 39.202, Florida Statutes, is amended, a new subsection (4) is added to that section and subsections (5) through (7) are redesignated as subsections (6) through (8), to read:

39.202 Confidentiality of reports and records in cases of child abuse or neglect.—

(2) *Except as provided in subsection (4),* access to such records, excluding the name of the reporter which shall be released only as provided in subsection (5) (4), shall be granted only to the following persons, officials, and agencies:

(a) Employees, authorized agents, or contract providers of the department, the Department of Health, or county agencies responsible for carrying out:

1. Child or adult protective investigations;
2. Ongoing child or adult protective services;
3. Healthy Start services; or
4. Licensure or approval of adoptive homes, foster homes, or child care facilities, or family day care homes or informal child care providers who receive subsidized child care funding, or other homes used to provide for the care and welfare of children.

5. *Services for victims of domestic violence when provided by certified domestic violence centers working at the department’s request as case consultants or with shared clients.*

Also, employees or agents of the Department of Juvenile Justice responsible for the provision of services to children, pursuant to chapters 984 and 985.

(b) Criminal justice agencies of appropriate jurisdiction.

(c) The state attorney of the judicial circuit in which the child resides or in which the alleged abuse or neglect occurred.

(d) The parent or legal custodian of any child who is alleged to have been abused, abandoned, or neglected, and the child, and their attorneys, *including any attorney representing a child in civil or criminal proceedings.* This access shall be made available no later than 30 days after the department receives the initial report of abuse, neglect, or abandonment. However, any information otherwise made confidential or exempt by law shall not be released pursuant to this paragraph.

(e) Any person alleged in the report as having caused the abuse, abandonment, or neglect of a child. This access shall be made available no later than 30 days after the department receives the initial report of abuse, abandonment, or neglect and, when the alleged perpetrator is not a parent, shall be limited to information involving the protective investigation only and shall not include any information relating to subsequent dependency proceedings. However, any information otherwise made confidential or exempt by law shall not be released pursuant to this paragraph.

(f) A court upon its finding that access to such records may be necessary for the determination of an issue before the court; however, such access shall be limited to inspection in camera, unless the court determines that public disclosure of the information contained therein is necessary for the resolution of an issue then pending before it.

(g) A grand jury, by subpoena, upon its determination that access to such records is necessary in the conduct of its official business.

(h) Any appropriate official of the department responsible for:

1. Administration or supervision of the department’s program for the prevention, investigation, or treatment of child abuse, abandonment, or neglect, or abuse, neglect, or exploitation of a vulnerable adult, when carrying out his or her official function;

2. Taking appropriate administrative action concerning an employee of the department alleged to have perpetrated child abuse, abandonment, or neglect, or abuse, neglect, or exploitation of a vulnerable adult; or

3. Employing and continuing employment of personnel of the department.

(i) Any person authorized by the department who is engaged in the use of such records or information for bona fide research, statistical, or audit purposes. Such individual or entity shall enter into a privacy and security agreement with the department and shall comply with all laws and rules governing the use of such records and information for research and statistical purposes. Information identifying the subjects of such records or information shall be treated as confidential by the researcher and shall not be released in any form.

(j) The Division of Administrative Hearings for purposes of any administrative challenge.

(k) Any appropriate official of a Florida advocacy council investigating a report of known or suspected child abuse, abandonment, or neglect; the Auditor General or the Office of Program Policy Analysis and Government Accountability for the purpose of conducting audits or examinations pursuant to law; or the guardian ad litem for the child.

(l) Employees or agents of an agency of another state that has comparable jurisdiction to the jurisdiction described in paragraph (a).

(m) The Public Employees Relations Commission for the sole purpose of obtaining evidence for appeals filed pursuant to s. 447.207. Records may be released only after deletion of all information which specifically identifies persons other than the employee.

(n) Employees or agents of the Department of Revenue responsible for child support enforcement activities.

(o) Any person in the event of the death of a child determined to be a result of abuse, abandonment, or neglect. Information identifying the person reporting abuse, abandonment, or neglect shall not be released. Any information otherwise made confidential or exempt by law shall not be released pursuant to this paragraph.

(p) *The principal of a public school, private school, or charter school where the child is a student. Information contained in the records which the principal determines are necessary for a school employee to effectively provide a student with educational services may be released to that employee.*

(4) *Notwithstanding any other provision of law, when a child under investigation or supervision of the department or its contracted service providers is determined to be missing, the following shall apply:*

(a) *The department may release the following information to the public when it believes the release of the information is likely to assist efforts in locating the child or to promote the safety or well-being of the child:*

1. *The name of the child and the child’s date of birth;*

2. *A physical description of the child, including at a minimum the height, weight, hair color, eye color, gender, and any identifying physical characteristics of the child; and*

3. A photograph of the child.

(b) With the concurrence of the law enforcement agency primarily responsible for investigating the incident, the department may release any additional information it believes likely to assist efforts in locating the child or to promote the safety or well-being of the child.

(c) The law enforcement agency primarily responsible for investigating the incident may release any information received from the department regarding the investigation, if it believes the release of the information is likely to assist efforts in locating the child or to promote the safety or well-being of the child.

The good-faith publication or release of this information by the department, a law enforcement agency, or any recipient of the information as specifically authorized by this subsection shall not subject the person, agency or entity releasing the information to any civil or criminal penalty. This subsection does not authorize the release of the name of the reporter, which may be released only as provided in subsection (5).

Section 3. Paragraph (c) of subsection (1) of section 402.305, Florida Statutes, is amended to read:

402.305 Licensing standards; child care facilities.—

(1) LICENSING STANDARDS.—The department shall establish licensing standards that each licensed child care facility must meet regardless of the origin or source of the fees used to operate the facility or the type of children served by the facility.

(c) The minimum standards for child care facilities shall be adopted in the rules of the department and shall address the areas delineated in this section. The department, in adopting rules to establish minimum standards for child care facilities, shall recognize that different age groups of children may require different standards. The department may adopt different minimum standards for facilities that serve children in different age groups, including school-age children. *The department shall also adopt by rule a definition for child care which distinguishes between child care programs that require child care licensure and after-school programs that do not require licensure.* Notwithstanding any other provision of law to the contrary, minimum child care licensing standards shall be developed to provide for reasonable, affordable, and safe before-school and after-school care. Standards, at a minimum, shall allow for a credentialed director to supervise multiple before-school and after-school sites.

Section 4. Section 402.40, Florida Statutes, is amended to read:

402.40 Child welfare training.—

(1) LEGISLATIVE INTENT.—In order to enable the state to provide a systematic approach to staff development and training for persons providing child welfare services ~~dependency program staff~~ that will meet the needs of such staff in their discharge of duties, it is the intent of the Legislature that the Department of Children and Family Services establish, maintain, and oversee the operation of child welfare training academies in the state. The Legislature further intends that the staff development and training programs that are established will aid in the reduction of poor staff morale and of staff turnover, will positively impact on the quality of decisions made regarding children and families who require assistance from programs providing child welfare services ~~dependency programs~~, and will afford better quality care of children who must be removed from their families.

(2) DEFINITIONS.—As used in this section, the term:

(a) “Child welfare services” ~~“Dependency program”~~ means any intake, protective investigations, preprotective services, protective services, foster care, shelter and group care, and adoption and related services program, including supportive services, supervision, and legal services, provided to children who are alleged to have been abused, abandoned, or neglected, or who are at risk of becoming, are alleged to be, or have been found dependent pursuant to ch. 39 ~~whether operated by or contracted by the department, providing intake, counseling, supervision, or custody and care of children who are alleged to be or who have been found to be dependent pursuant to chapter 39 or who have been identified as being at risk of becoming dependent.~~

(b) “Person providing child welfare services” ~~“Dependency program staff”~~ means person who has a responsibility for supervisory, legal, and

direct care or support related work in the provision of child welfare services pursuant to ch. 39 ~~staff of a dependency program as well as support staff who have direct contact with children in a dependency program.~~

(3) CHILD WELFARE TRAINING PROGRAM.—The department shall establish a program for training pursuant to the provisions of this section, and all persons providing child welfare services ~~dependency program staff~~ shall be required to participate in and successfully complete the program of training pertinent to their areas of responsibility.

(4) CHILD WELFARE TRAINING TRUST FUND.—

(a) There is created within the State Treasury a Child Welfare Training Trust Fund to be used by the Department of Children and Family Services for the purpose of funding a comprehensive system of child welfare training, including the securing of consultants to develop the system and the developing of child welfare training academies that include the participation of persons providing child welfare services ~~dependency program staff~~.

(b) One dollar from every noncriminal traffic infraction collected pursuant to s. 318.14(10)(b) or s. 318.18 shall be deposited into the Child Welfare Training Trust Fund.

(c) In addition to the funds generated by paragraph (b), the trust fund shall receive funds generated from an additional fee on birth certificates and dissolution of marriage filings, as specified in ss. 382.0255 and 28.101, respectively, and may receive funds from any other public or private source.

(d) Funds that are not expended by the end of the budget cycle or through a supplemental budget approved by the department shall revert to the trust fund.

(5) CORE COMPETENCIES.—

(a) The Department of Children and Family Services shall establish the core competencies for a single integrated preservice curriculum that ensures that each person delivering child welfare services obtains the knowledge, skills and abilities to competently carry out his or her work responsibilities. This pre-service curriculum may be a compilation of different development efforts based on specific subsets of core competencies that are integrated for a comprehensive pre-service curriculum required in the provision of child welfare services in this state.

(b) The identification of these core competencies shall be a collaborative effort to include professionals with expertise in child welfare services and providers that will be affected by the curriculum, to include, but not be limited to, representatives from the community-based care lead agencies, sheriffs’ offices conducting child protection investigations, and child welfare legal services providers.

(c) Notwithstanding s. 287.057(5) and (22), the department shall competitively solicit and contract for the development, validation, and periodic evaluation of the training curricula for the established single integrated preservice curriculum. No more than one training curriculum may be developed for each specific subset of the core competencies.

(6) ADVANCED TRAINING.—The Department of Children and Family Services shall annually examine the advanced training that is needed by persons who deliver child welfare services in the state. This examination shall address whether the current advanced training provided should be continued and shall include the development of plans for incorporating any revisions to the advanced training determined necessary. This examination shall be conducted in collaboration with professionals with expertise in child welfare services and providers that will be affected by the curriculum, to include, but not be limited to, representatives from the community-based care lead agencies, sheriffs’ offices conducting child protection investigations, and child welfare legal services’ providers.

(7) CERTIFICATION AND TRAINER QUALIFICATIONS.—The department shall, in collaboration with the professionals and providers described in subsection (5), develop minimum standards for a certification process that ensures that participants have successfully attained the knowledge, skills, and abilities necessary to competently carry out their work responsibilities and shall develop minimum standards for trainer qualifications which must be required of training academies in the offering of the training curricula. Any person providing child welfare services

shall be required to master the components of the preservice curriculum that are particular to that person's work responsibilities.

(8)(5) ESTABLISHMENT OF TRAINING ACADEMIES.—The department shall establish child welfare training academies as part of a comprehensive system of child welfare training. In establishing a program of training, the department may contract for the operation of one or more training academies with Tallahassee Community College to perform one or more of the following: to offer one or more of the training curricula developed under subsection (5); to administer the certification process; to develop, validate, and periodically evaluate additional training curricula determined to be necessary, including advanced training that is specific to a region or contractor, or that meets a particular training need; or to offer the additional training curricula. The number, location, and timeframe for establishment of additional training academies shall be approved by the Secretary of Children and Family Services who shall ensure that the goals for the core competencies and the single integrated preservice curriculum, the certification process, the trainer qualifications, and the additional training needs are addressed. Notwithstanding s. 287.057(5) and (22), the department shall competitively solicit all training academy contracts.

(9) MODIFICATION OF CHILD WELFARE TRAINING.—The core competencies determined pursuant to subsection (5), the minimum standards for the certification process and the minimum standards for trainer qualifications established pursuant to subsection (7), must be submitted to the appropriate substantive committees of the Senate and the House of Representatives before competitively soliciting either the development, validation, or periodic evaluation of the training curricula or the training academy contracts.

(10)(6) ADOPTION OF RULES.—The Department of Children and Family Services shall adopt rules necessary to carry out the provisions of this section.

Section 5. Section 402.401, Florida Statutes is created to read:

402.401 Florida Child Welfare Student Loan Forgiveness Program.—

(1) There is created the Florida Child Welfare Student Loan Forgiveness Program to be administered by the Department of Education. The program shall provide loan assistance to eligible students for upper-division undergraduate and graduate study. The primary purpose of the program is to attract capable and promising students to the child welfare profession, increase employment and retention of individuals who are working towards or who have received either a bachelor's degree or a master's degree in social work, or any human services subject area that qualifies the individual for employment as a family services worker, and provide opportunities for persons making midcareer decisions to enter the child welfare profession. The State Board of Education shall adopt rules necessary to administer the program.

(2)(a) To be eligible for a program loan, a candidate shall:

1. Be a full-time student at the upper-division undergraduate or graduate level in a social work program approved by the Council on Social Work leading to either a bachelor's degree or a master's degree in social work or an accredited human services degree program.

2. Have declared an intent to work in child welfare for at least the number of years for which a forgivable loan is received at the Department of Children and Family Services or its successor, or with an eligible lead community-based provider as defined in s. 409.1671.

3. If applying for an undergraduate forgivable loan, have maintained a minimum cumulative grade point average of at least a 2.5 on a 4.0 scale for all undergraduate work. Renewal applicants for undergraduate loans shall have maintained a minimum cumulative grade point average of at least a 2.5 on a 4.0 scale for all undergraduate work and have earned at least 12 semester credits per term, or the equivalent.

4. If applying for a graduate forgivable loan, have maintained an undergraduate cumulative grade point average of at least a 3.0 on a 4.0 scale or have attained a Graduate Record Examination score of at least 1,000. Renewal applicants for graduate loans shall have maintained a minimum cumulative grade point average of at least a 3.0 on a 4.0 scale for all graduate work and have earned at least 9 semester credits per term, or the equivalent.

(b) An undergraduate forgivable loan may be awarded for 2 undergraduate years, not to exceed \$4,000 per year.

(c) A graduate forgivable loan may be awarded for 2 graduate years, not to exceed \$8,000 per year. In addition to meeting criteria specified in paragraph (a), a loan recipient at the graduate level shall:

1. Hold a bachelor's degree from a school or department of social work at any college or university accredited by the Council on Social Work Education, or hold a degree in a human services field from an accredited college or university.

2. Not have received an undergraduate forgivable loan as provided for in paragraph (b).

(d) The State Board of Education shall adopt by rule repayment schedules and applicable interest rates under ss. 1009.82 and 1009.95. A forgivable loan must be repaid within 10 years after completion of a program of studies.

1. Credit for repayment of an undergraduate or graduate forgivable loan shall be in an amount not to exceed \$4,000 in loan principal plus applicable accrued interest for each full year of eligible service in the child welfare profession.

2. Any forgivable loan recipient who fails to work at the Department of Children and Family Services or its successor, or with an eligible lead community-based provider as defined in s. 409.1671, is responsible for repaying the loan plus accrued interest at 8 percent annually.

3. Forgivable loan recipients may receive loan repayment credit for child welfare service rendered at any time during the scheduled repayment period. However, such repayment credit shall be applicable only to the current principal and accrued interest balance that remains at the time the repayment credit is earned. No loan recipient shall be reimbursed for previous cash payments of principal and interest.

(3) This section shall be implemented only as specifically funded.

Section 6. Subsection (7) of section 409.1451, Florida Statutes, is amended, present subsection (8) of that section is amended and redesignated as subsection (9), and a new subsection (8) is added to that section, to read:

409.1451 Independent living transition services.—

(7) INDEPENDENT LIVING SERVICES INTEGRATION WORKGROUP.—The Secretary of Children and Family Services shall establish the independent living services integration workgroup, which, at a minimum, shall include representatives from the Department of Children and Family Services, the Agency for Workforce Innovation, the Department of Education, the Agency for Health Care Administration, the State Youth Advisory Board, Workforce Florida, Inc., and foster parents. The workgroup shall assess the implementation and operation of the system of independent living transition services and advise the department on actions that would improve the ability of the independent living transition services to meet the established goals. The workgroup shall keep the department informed of problems being experienced with the services, barriers to the effective and efficient integration of services and support across systems, for the transition of older children in foster care to independent living, and successes that the system of independent living transition services has achieved. The department shall consider, but is not required to implement the recommendations of the workgroup. For the 2002-2003 and 2003-2004 fiscal years, the workgroup shall report to the appropriate substantive committees of the Senate and House of Representatives on the status of the implementation of the system of independent living transition services; efforts to publicize the availability of after-care support services, the Road-to-Independence Scholarship Program, and transitional support services; specific barriers to financial aid created by the scholarship and possible solutions; the success of the services; problems identified; recommendations for department or legislative action; and the department's implementation of the recommendations contained in the Independent Living Services Integration Workgroup Report submitted to the Senate and the House substantive committees December 31, 2002. This workgroup report is to be submitted by December 31, 2003, and December 31, 2004, and shall be accompanied by a report from the department which identifies the recommendations of the workgroup and either describes the department's actions to implement these recommendations or provides the department's rationale for not implementing the

~~recommendations. The workgroup shall recommend methods to overcome these barriers and shall ensure that the state plan for federal funding for the independent living transition services includes these recommendations. The workgroup shall report to appropriate legislative committees of the Senate and the House of Representatives by December 31, 2002. Specific issues and recommendations to be addressed by the workgroup include:~~

~~(a) Enacting the Medicaid provision of the federal Foster Care Independence Act of 1999, Pub. L. No. 106-169, which allows young adults formerly in foster care to receive medical coverage up to 21 years of age.~~

~~(b) Extending the age of Medicaid coverage from 21 to 23 years of age for young adults formerly in foster care in order to enable such youth to complete a postsecondary education degree.~~

~~(c) Encouraging the regional workforce boards to provide priority employment and support for eligible foster care participants receiving independent living transition services.~~

~~(d) Facilitating transfers between schools when changes in foster care placements occur.~~

~~(e) Identifying mechanisms to increase the legal authority of foster parents and staff of the department or its agent to provide for the age-appropriate care of older children in foster care, including enrolling a child in school, signing for a practice driver's license for the child under s. 322.09(4), cosigning loans and insurance for the child, signing for the child's medical treatment, and authorizing other similar activities as appropriate.~~

~~(f) Transferring the allowance of spending money that is provided by the department each month directly to an older child in the program through an electronic benefit transfer program. The purpose of the transfer is to allow these children to access and manage the allowance they receive in order to learn responsibility and participate in age-appropriate life skills activities.~~

~~(g) Identifying other barriers to normalcy for a child in foster care.~~

~~(8) PERSONAL PROPERTY.—Property acquired on behalf of clients of this program shall become the personal property of the clients and is not subject to the requirements of chapter 273 relating to state-owned tangible personal property. Such property continues to be subject to applicable federal laws.~~

~~(9)(8) RULEMAKING.—The department shall adopt by rule procedures to administer this section, including provision for the proportional reduction of scholarship a wards when adequate funds are not available for all applicants. These rules shall balance the goals of normalcy and safety for the youth and provide the caregivers with as much flexibility as possible to enable the youth to participate in normal life experiences. The department shall engage in appropriate planning to prevent, to the extent possible, a reduction in scholarship awards after issuance.~~

Section 7. Paragraphs (a), (b), and (d) of subsection (1) of section 409.1671, Florida Statutes, are amended, new paragraphs (c) and (d) are added to subsection (1) and present paragraphs (c) through (k) of subsection (1) are redesignated as paragraphs (e) through (m), and subsections (3) and (4) of that section are amended, to read:

409.1671 Foster care and related services; privatization.—

(1)(a) It is the intent of the Legislature that the Department of Children and Family Services shall privatize the provision of foster care and related services statewide. It is further the Legislature's intent to encourage communities and other stakeholders in the well-being of children to participate in assuring that children are safe and well-nurtured. However, while recognizing that some local governments are presently funding portions of certain foster care and related services programs and may choose to expand such funding in the future, the Legislature does not intend by its privatization of foster care and related services that any county, municipality, or special district be required to assist in funding programs that previously have been funded by the state. *Counties that provide children and family services with at least forty licensed residential group care beds by July 1, 2003, and provide at least \$2.0 million annually in county general revenue funds to supplement foster and family care services shall continue to contract directly with the state and shall be exempt from the provisions of this section. Nothing in this paragraph*

prohibits any county, municipality, or special district from future voluntary funding participation in foster care and related services. As used in this section, the term "privatize" means to contract with competent, community-based agencies. The department shall submit a plan to accomplish privatization statewide, through a competitive process, phased in over a 3-year period beginning January 1, 2000. This plan must be developed with local community participation, including, but not limited to, input from community-based providers that are currently under contract with the department to furnish community-based foster care and related services, and must include a methodology for determining and transferring all available funds, including federal funds that the provider is eligible for and agrees to earn and that portion of general revenue funds which is currently associated with the services that are being furnished under contract. The methodology must provide for the transfer of funds appropriated and budgeted for all services and programs that have been incorporated into the project, including all management, capital (including current furniture and equipment), and administrative funds to accomplish the transfer of these programs. This methodology must address expected workload and at least the 3 previous years' experience in expenses and workload. With respect to any district or portion of a district in which privatization cannot be accomplished within the 3-year timeframe, the department must clearly state in its plan the reasons the timeframe cannot be met and the efforts that should be made to remediate the obstacles, which may include alternatives to total privatization, such as public-private partnerships. As used in this section, the term "related services" includes, but is not limited to, family preservation, independent living, emergency shelter, residential group care, foster care, therapeutic foster care, intensive residential treatment, foster care supervision, case management, postplacement supervision, permanent foster care, and family reunification. Unless otherwise provided for, beginning in fiscal year 1999-2000, either the state attorney or the Office of the Attorney General shall provide child welfare legal services, pursuant to chapter 39 and other relevant provisions, in Sarasota, Pinellas, and Pasco, Broward, and Manatee Counties. ~~Such legal services shall commence and be effective, as soon as determined reasonably feasible by the respective state attorney or the Office of the Attorney General, after the privatization of associated programs and child protective investigations has occurred.~~ When a private nonprofit agency has received case management responsibilities, transferred from the state under this section, for a child who is sheltered or found to be dependent and who is assigned to the care of the privatization project, the agency may act as the child's guardian for the purpose of registering the child in school if a parent or guardian of the child is unavailable and his or her whereabouts cannot reasonably be ascertained. The private nonprofit agency may also seek emergency medical attention for such a child, but only if a parent or guardian of the child is unavailable, his or her whereabouts cannot reasonably be ascertained, and a court order for such emergency medical services cannot be obtained because of the severity of the emergency or because it is after normal working hours. However, the provider may not consent to sterilization, abortion, or termination of life support. If a child's parents' rights have been terminated, the nonprofit agency shall act as guardian of the child in all circumstances.

(b) It is the intent of the Legislature that the department will continue to work towards full privatization *in a manner that assures the viability of the community-based system of care and best provides for the safety of children in the child protection system. To this end, the department is directed to continue the process of privatizing services in those counties in which signed start-up contracts have been executed. The department may also continue to enter into start-up contracts with additional counties. However, no services shall be transferred to a community-based care lead agency until the department, in consultation with the local community alliance, has determined and certified in writing to the Governor and the Legislature that the district is prepared to transition the provision of services to the lead agency and that the lead agency is ready to deliver and be accountable for such service provision. In making this determination the Department shall conduct a readiness assessment of the district and the lead agency.*

1. *The assessment shall evaluate the operational readiness of the district and the lead agency based on:*

a. A set of uniform criteria, developed in consultation with currently operating community based care lead agencies and reflecting national accreditation standards, that evaluate programmatic, financial, technical assistance, training and organizational competencies; and

b. Local criteria reflective of the local community based care design and the community alliance priorities.

2. The readiness assessment shall be conducted by a joint team of district and lead agency staff with direct experience with the startup and operation of a community based care service program and representatives from the appropriate community alliance. Within resources available for this purpose, the department may secure outside audit expertise when necessary to assist a readiness assessment team.

3. Upon completion of a readiness assessment the assessment team shall conduct an exit conference with the district and lead agency staff responsible for the transition

4. Within 30 days following the exit conference with staff of each district and lead agency, the Secretary shall certify in writing to the Governor and Legislature that both the district and the lead agency are prepared to begin the transition of service provision based on the results of the readiness assessment and the exit conference. The document of certification must include specific evidence of readiness on each element of the readiness instrument utilized by the assessment team as well as a description of each element of readiness needing improvement and strategies being implemented to address each one.

(c) The Auditor General and the Office of Program Policy Analysis and Government Accountability (OPPAGA), in consultation with The Child Welfare League of America and the Louis de la Parte Florida Mental Health Institute, shall jointly review and assess the department's process for determining district and lead agency readiness.

1. The review must, at a minimum, address the appropriateness of the readiness criteria and instruments applied, the appropriateness of the qualifications of participants on each readiness assessment team, the degree to which the department accurately determined each district and lead agency's compliance with the readiness criteria, the quality of the technical assistance provided by the department to a lead agency in correcting any weaknesses identified in the readiness assessment, and the degree to which each lead agency overcame any identified weaknesses.

2. Reports of these reviews must be submitted to the appropriate substantive and appropriations committees in the Senate and House of Representatives on March 1 and September 1 of each year until full transition to community-based care has been accomplished statewide, except that the first report must be submitted by February 1, 2004, and must address all readiness activities undertaken through June 30, 2003. The perspectives of all participants in this review process must be included in each report.

(d) In communities where economic or demographic constraints make it impossible or not feasible to competitively contract with a lead agency, the department shall develop an alternative plan in collaboration with the local community alliance, which may include establishing innovative geographical configurations or consortiums of agencies. The plan must detail how the community will continue to implement community-based care through competitively procuring either the specific components of foster care and related services or comprehensive services for defined eligible populations of children and families from qualified licensed agencies as part of its efforts to develop the local capacity for a community-based system of coordinated care. The plan must ensure local control over the management and administration of the service provision in accordance with the intent of this section and may include recognized best business practices, including some form of public or private partnerships. by initiating the competitive procurement process in each county by January 1, 2003. In order to provide for an adequate transition period to develop the necessary administrative and service-delivery capacity in each community, the full transfer of all foster care and related services must be completed statewide by December 31, 2004.

(f)(d)1. If attempts to competitively procure services through an eligible lead community-based provider as defined in paragraph (e) do not produce a capable and willing agency, the department shall develop a plan in collaboration with the local community alliance. The plan must detail how the community will continue to implement privatization, to be accomplished by December 31, 2004, through competitively procuring either the specific components of foster care and related services or comprehensive services for defined eligible populations of children and families from qualified licensed agencies as part of its efforts to develop the local capacity for a community-based system of coordinated care. The plan must ensure local control over the management and administration

of the service provision in accordance with the intent of this section and may include recognized best business practices, including some form of public or private partnerships. In the absence of a community alliance, the plan must be submitted to the President of the Senate and the Speaker of the House of Representatives for their comments.

1.2. The Legislature finds that the state has traditionally provided foster care services to children who have been the responsibility of the state. As such, foster children have not had the right to recover for injuries beyond the limitations specified in s. 768.28. The Legislature has determined that foster care and related services need to be privatized pursuant to this section and that the provision of such services is of paramount importance to the state. The purpose for such privatization is to increase the level of safety, security, and stability of children who are or become the responsibility of the state. One of the components necessary to secure a safe and stable environment for such children is that private providers maintain liability insurance. As such, insurance needs to be available and remain available to nongovernmental foster care and related services providers without the resources of such providers being significantly reduced by the cost of maintaining such insurance.

2.3. The Legislature further finds that, by requiring the following minimum levels of insurance, children in privatized foster care and related services will gain increased protection and rights of recovery in the event of injury than provided for in s. 768.28.

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

(b) The contracts must also ensure that each community-based agency shall furnish information on its activities in all cases in client case records. A provider may not discontinue services on any voluntary case without prior written notification to the department 30 days before planned case closure. If the department disagrees with the recommended case closure date, written notification to the provider must be provided before the case closure date.

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

(d) Each contract with an eligible lead community-based provider shall provide for the payment by the department to the provider of a reasonable administrative cost in addition to funding for the provision of services.

(4)(a) The department shall establish a quality assurance program for privatized services. The quality assurance program shall be based on standards established by a national accrediting organization such as the Council on Accreditation of Services for Families and Children, Inc. (COA) or CARF—the Rehabilitation Accreditation Commission. The department may develop a request for proposal for such oversight. This program must be developed and administered at a statewide level. The Legislature intends that the department be permitted to have limited flexibility to use funds for improving quality assurance. To this end, effective January 1, 2000, the department may transfer up to 0.125 percent of the total funds from categories used to pay for these contractually provided services, but the total amount of such transferred funds may not exceed \$300,000 in any fiscal year. When necessary, the department may establish, in accordance with s. 216.177, additional positions that will be exclusively devoted to these functions. Any positions required under this paragraph may be established, notwithstanding ss. 216.262(1)(a) and 216.351. The department, in consultation with the community-based agencies that are undertaking the privatized projects, shall establish minimum thresholds for each component of service, consistent with standards established by the Legislature and the Federal Government. Each program operated under contract with a community-based agency must be evaluated annually by the department. The

department shall, to the extent possible, use independent financial audits provided by the community-based care agency to eliminate or reduce the ongoing contract and administrative reviews conducted by the department. The department may suggest additional items to be included in such independent financial audits to meet the department's needs. Should the department determine that such independent financial audits are inadequate, then other audits, as necessary, may be conducted by the department. Nothing herein shall abrogate the requirements of s. 215.97. The department shall submit an annual report regarding quality performance, outcome measure attainment, and cost efficiency to the President of the Senate, the Speaker of the House of Representatives, the minority leader of each house of the Legislature, and the Governor no later than January 31 of each year for each project in operation during the preceding fiscal year.

(b) The department shall use these findings in making recommendations to the Governor and the Legislature for future program and funding priorities in the child welfare system.

Section 8. Section 409.16745, Florida Statutes, is amended to read:

409.16745 Community partnership matching grant program.—It is the intent of the Legislature to improve services and local participation in community-based care initiatives by fostering community support and providing enhanced prevention and in-home services, thereby reducing the risk otherwise faced by lead agencies. There is established a community partnership matching grant program to be operated by the Department of Children and Family Services for the purpose of encouraging local participation in community-based care for child welfare. Any children's services council or other local government entity that makes a financial commitment to a community-based care lead agency is eligible for a grant upon proof that the children's services council or local government entity has provided the selected lead agency at least \$250,000 ~~\$825,000 in start-up funds~~, from any local resources otherwise available to it. The total amount of local contribution may be matched on a two-for-one basis up to a maximum amount of \$2 million per council or local government entity. Awarded matching grant funds may be used for any prevention or in-home services provided by the children's services council or other local government entity that meets temporary-assistance-for-needy-families' eligibility requirements and can be reasonably expected to reduce the number of children entering the child welfare system. To ensure necessary flexibility for the development, start up, and ongoing operation of community-based care initiatives, the notice period required for any budget action authorized by the provisions of s. 20.19(5)(b), is waived for the family safety program; however, the Department of Children and Family Services must provide copies of all such actions to the Executive Office of the Governor and Legislature within 72 hours of their occurrence. Funding available for the matching grant program is subject to legislative appropriation of nonrecurring ~~temporary assistance for needy families~~ funds provided for the purpose.

Section 9. Subsection (3) of section 409.175, Florida Statutes, is amended to read:

409.175 Licensure of family foster homes, residential child-caring agencies, and child-placing agencies.—

(3)(a) The total number of children placed in each family foster home shall be based on the recommendation of the department, or the community-based care lead agency where one is providing foster care and related services, based on the needs of each child in care, the ability of the foster family to meet the individual needs of each child, including any adoptive or biological children living in the home, the amount of safe physical plant space, the ratio of active and appropriate adult supervision, and the background, experience, and skill of the family foster parents.

(b) If the total number of children in a family foster home will exceed five, including the family's own children, ~~an a comprehensive behavioral health assessment of each child to be placed in the home must be completed by a family services counselor and approved in writing by the counselor's supervisor prior to placement of any additional children in the home, except that, if the placement involves a child whose sibling is already in the home or a child who has been in placement in the home previously, the assessment must be completed within 72 hours after placement. The comprehensive behavioral health assessment must comply with Medicaid rules and regulations, assess and document the mental, physical, and psychosocial needs of the child; and recommend the maxi-~~

mum number of children in a family foster home that will allow the child's needs to be met.

(c) For any licensed family foster home, the appropriateness of the number of children in the home must be reassessed annually as part of the relicensure process. For a home with more than five children, if it is determined by the licensure study at the time of relicensure that the total number of children in the home is appropriate and that there have been no substantive licensure violations and no indications of child maltreatment or child-on-child sexual abuse within the past 12 months, the relicensure of the home shall not be denied based on the total number of children in the home.

Section 10. Section 409.953, Florida Statutes, is amended to read:

409.953 Rulemaking authority for refugee assistance program.—

(1) The Department of Children and Family Services ~~has the authority shall adopt rules to administer the eligibility requirements for the refugee assistance program in accordance with 45 C.F.R. Part 400 and 401. The Department of Children and Family Services or a child-placing or child-caring agency designated by the department may petition in circuit court to establish custody. Upon making a finding that a child is an Unaccompanied Refugee Minor as defined in 45 C.F.R. Sec. 400.111, the court may establish custody and placement of the child in the Unaccompanied Refugee Minor Program.~~

(2) ~~The Department of Children and Family Services shall adopt any rules necessary for the implementation and administration of this section.~~

Section 11. Section 937.021, Florida Statutes, is amended to read:

937.021 Missing child reports.—

(1) Upon the filing of a police report that a child is missing by the parent or guardian, the law enforcement agency receiving ~~the report written notification~~ shall immediately inform all on-duty law enforcement officers of the existence of the missing child report, communicate the report to every other law enforcement agency having jurisdiction in the county, and transmit the report for inclusion within the Florida Crime Information Center computer.

(2) ~~A police report that a child is missing may be filed with the law enforcement agency having jurisdiction in the county or municipality in which the child was last seen prior to the filing of the report, without regard to whether the child resides in or has any significant contacts with that county or municipality. The filing of such a report shall impose the duties specified in subsection (1) upon that law enforcement agency.~~

Section 12. ~~The Office of Program Policy Analysis and Government Accountability shall prepare an evaluation of child welfare legal services to be submitted to the President of the Senate, the Speaker of the House of Representatives, the Governor, and the Chief Justice of the Supreme Court, by December 31, 2003. The evaluation shall consider different models of provision of legal services in dependency proceedings on behalf of the state, including representation by other government, for profit, or not for profit entities, and include discussion of the organizational placement on the cost and delivery of providing these services; the organizational placement's effect on communication between attorneys and case-workers; the ability to attract, retain and provide professional development opportunities for experienced attorneys; and the implications of each model for the attorney's professional responsibilities. Following receipt of the report of this evaluation and until directed otherwise by the Legislature, the department shall maintain its current delivery system for the provision of child welfare legal services.~~

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 2-23, delete those lines and insert: An act relating to social services; 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; amending s. 39.202, F.S.; clarifying a right to access to records for certain attorneys and providing a right to access for employees and agents of educational institutions; authorizing the Department of Children and Family Services and specified law enforcement agencies to release certain information when a child is under investigation or supervision; providing an exception; providing that persons releasing such information are not subject to civil or criminal penalty for the release; providing for an additional circumstance for release of otherwise confidential records; amending s. 402.305, F.S.; directing the Department of Children and Family Services to adopt a rule related to child care definition; amending s. 402.40, F.S.; removing Tallahassee Community College as the sole contract provider for child welfare training academies; providing for development of core competencies; providing for advanced training; modifying requirements for the establishment of training academies; providing for modification of child welfare training; creating s. 402.401, F.S.; creating the Child Welfare Student Loan Forgiveness Program; providing for eligibility requirements; providing terms of repayment; amending s. 409.1451, F.S.; providing duties for the Independent Living Services Workgroup; making an exception for personal property of independent living clients; amending s. 409.1671, F.S.; deleting the requirement for contracts for legal services in certain counties; providing for the continuation of privatization of foster care and related services; providing for a readiness assessment and written certification; deleting certain termination of services notice requirements; requiring the payment of certain administrative costs incurred by lead community-based providers; deleting an obsolete effective date; providing for independent financial audits; amending s. 409.16745, F.S.; changing eligibility requirements for participation in the community partnership matching grant program; amending s. 409.175, F.S.; providing for an assessment by a family services counselor and approval by a supervisor, rather than a comprehensive behavioral health assessment, of children in certain family foster homes; amending s. 409.953, F.S.; providing the Department of Children and Families authority to administer the Refugee Assistance Program; providing for custody determination and placement of unaccompanied refugee minors; amending s. 937.021, F.S.; providing for the filing of police reports for missing children in the county or municipality where the child was last seen; providing for an evaluation of child welfare legal services by the Office of Program Policy Analysis and Government Accountability; providing an effective date.

Pursuant to Rule 4.19, **CS for CS for SB 1454** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Diaz de la Portilla, by two-thirds vote **HB 1039** was withdrawn from the Committees on Regulated Industries; Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator Diaz de la Portilla—

HB 1039—A bill to be entitled An act relating to a public records exemption for investigative information held by the Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and Professional Regulation; amending s. 498.047, F.S.; making conforming and editorial changes; removing the October 2, 2003, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; providing an effective date.

—a companion measure, was substituted for **SB 1446** and read the second time by title.

Pursuant to Rule 4.19, **HB 1039** was placed on the calendar of Bills on Third Reading.

On motion by Senator Geller, by two-thirds vote **HB 1025** was withdrawn from the Committee on Comprehensive Planning; Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator Geller—

HB 1025—A bill to be entitled An act relating to a public records exemption for municipal employee assistance program records; amend-

ing s. 166.0444, F.S.; narrowing the exemption for records relating to a municipal employee's participation in a municipal employee assistance program to provide that a municipal employee's personal identifying information contained in employee assistance program records is confidential and exempt; making editorial changes; 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 **SB 254** and read the second time by title.

Pursuant to Rule 4.19, **HB 1025** was placed on the calendar of Bills on Third Reading.

On motion by Senator Geller, by two-thirds vote **HB 1023** was withdrawn from the Committees on Comprehensive Planning; Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator Geller—

HB 1023—A bill to be entitled An act relating to a public records exemption for county employee assistance program records; amending s. 125.585, F.S.; narrowing the exemption for records relating to an employee's participation in a county employee assistance program to provide that a county employee's personal identifying information contained in employee assistance program records is confidential and exempt; making editorial changes; 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 **SB 256** and read the second time by title.

Pursuant to Rule 4.19, **HB 1023** was placed on the calendar of Bills on Third Reading.

On motion by Senator Villalobos—

SB 158—A bill to be entitled An act relating to facilitating or furthering a burglary; creating s. 810.061, F.S.; defining the term "burglary"; providing that it is a third-degree felony for a person to damage a wire or line that transmits or conveys telephone or power to a dwelling or to otherwise impair or impede such telephone or power transmission or conveyance for the purpose of facilitating or furthering the commission or attempted commission of a burglary of a dwelling; reenacting s. 810.02(1)(b), F.S., relating to the definition of the term "burglary"; 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; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 158** was placed on the calendar of Bills on Third Reading.

On motion by Senator Clary—

CS for SB 638—A bill to be entitled An act relating to student tuition assistance; creating the Access to Better Learning and Education Grant Program; providing legislative findings with respect to education provided by for-profit colleges and universities; providing for the Department of Education to administer the grant program; providing requirements for eligibility; providing for an annual appropriation; requiring institutions to remit undisbursed funds to the department; limiting the period a student may receive a grant; providing for implementation only to the extent funded and authorized by law; providing an effective date.

—was read the second time by title.

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

Amendment 1 (842394)—On page 2, lines 9-31, delete those lines and insert:

(3) *The department shall issue an access grant to any full-time student seeking a baccalaureate degree who is registered at a for-profit college or university that is located in and chartered by the state and that is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools or who is registered at a nonprofit college or university that is chartered out of the state, that has been located in the state for 10 years or more, and that is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools, the Middle States Association of Colleges and Schools, the North Central Association of Colleges and Schools, or the New England Association of Colleges and Schools; that grants baccalaureate degrees; that is not a state university or state community college; and that has a secular purpose, if the receipt of state aid by students at the institution would not have the primary effect of advancing or impeding religion or result in an excessive entanglement between the state and any religious sect. Institutions eligible for the Access to Better Learning and Education Grant Program in the initial year of funding shall include only those for-profit colleges or universities identified in this subsection. Nonprofit colleges or universities identified in this subsection shall be eligible for financial support in the second year of funding.*

Pursuant to Rule 4.19, **CS for SB 638** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

CS for SB 438—A bill to be entitled An act relating to commercial electronic messages; providing definitions; prohibiting a person from transmitting a commercial electronic mail message that uses a third party's Internet domain name without permission or a message that contains false or misleading information; prohibits a person from transmitting an unsolicited commercial electronic mail message without the use of the characters "ADV:" in the subject line or without providing a mechanism allowing recipients to easily remove themselves from the sender's electronic mailing address list at no cost; providing damages and an award for attorney's fees and costs to an injured party for violation of the act; providing the electronic mail service provider immunity from liability; providing an injured electronic mail service provider an award of attorney's fees and costs, and in lieu of actual damages, if the provider so chooses, the greater of \$10 for each unsolicited commercial electronic mail message transmitted or \$25,000 per day; providing an effective date.

—was read the second time by title.

The Committee on Commerce, Economic Opportunities, and Consumer Services recommended the following amendments which were moved by Senator Campbell and adopted:

Amendment 1 (063074)—On page 2, line 24, delete "*commerce*" and insert: *commercial*

Amendment 2 (420106)—On page 3, line 2, delete "(1)" and insert: (4)

Senator Campbell moved the following amendment which was adopted:

Amendment 3 (863538)—On page 1, line 29; on page 3, lines 4, 11, 17, 23, and 31; on page 4, lines 10, 21, 23, and 30; and on page 5, lines 5 and 11, delete "*section*" and insert: *act*

Pursuant to Rule 4.19, **CS for SB 438** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

THE PRESIDENT PRESIDING

On motion by Senator Fasano—

CS for SB 684—A bill to be entitled An act relating to military affairs; amending s. 250.01, F.S.; providing definitions; amending s. 250.02, F.S.; specifying persons exempt from military duty; amending ss. 250.03, 250.04, F.S.; providing for the military law of the state; providing duties and authority of the Governor; amending s. 250.05, F.S.; designating the Adjutant General as head of the Department of Military Affairs; amending s. 250.06, F.S.; providing additional duties of the Governor as com-

mander in chief of the militia of the state; authorizing the Governor to delegate to the Adjutant General the authority to convene a general court-martial; amending s. 250.07, F.S.; providing that persons declaring an intention to become citizens may be members of the Florida National Guard; specifying qualifications for certain officers of the Florida National Guard; amending ss. 250.08, 250.09, F.S.; providing duties and authority of the Governor with respect to the Florida National Guard; amending s. 250.10, F.S.; revising the qualifications and duties of the Adjutant General; authorizing the Adjutant General to order troops to state active duty under certain circumstances; specifying qualifications for Assistant Adjutant Generals of the Florida National Guard; specifying requirements for tuition assistance programs and a tuition exemption program for members of the Florida National Guard; providing penalties for failure to comply with program requirements; amending s. 250.115, F.S.; requiring the Adjutant General to appoint a president of the board of directors of the direct-support organization of the Department of Military Affairs; specifying duties of the Department of Military Affairs with respect to the organization; amending ss. 250.12, 250.16, F.S., relating to officers; conforming provisions to changes made by the act; amending s. 250.175, F.S.; specifying trust funds of the Department of Military Affairs; amending s. 250.18, F.S.; revising requirements for officers for providing of equipment and uniforms; amending ss. 250.19, 250.20, F.S.; providing requirements for the payment of expenses and allowances; conforming provisions to changes made by the act; providing requirements for accounting practices of military posts; amending ss. 250.23, 250.24, F.S., relating to pay and expenses for personnel in state active duty; conforming provisions to changes made by the act; providing for the deposit of moneys used to pay activated troops; amending ss. 250.25, 250.26, F.S.; authorizing the borrowing of money and transfer of funds; amending s. 250.28, F.S.; revising provisions relating to the activation of troops; amending ss. 250.29, 250.30, 250.31, F.S., relating to orders of civil authorities and immunity from liability for members of the Florida National Guard; increasing the penalty imposed for violations involving failure to provide assistance to civil authorities; conforming provisions to changes made by the act; amending ss. 250.32, 250.33, F.S., relating to duties of commanding officers; conforming provisions to changes made by the act; amending s. 250.34, F.S., relating to injury or death in state active duty; clarifying that injuries resulting from a preexisting condition are not compensable; providing for coverage under the Workers' Compensation Law under certain circumstances; amending s. 250.341, F.S.; providing requirements for continuing or reinstating health insurance when an employee is activated for duty; providing certain exceptions to a requirement that an employer be notified of such duty; amending s. 250.35, F.S.; prohibiting the trial of a warrant officer or cadet by a summary court-martial; providing for waiver of trial by panel and for trial by a military judge; authorizing the Adjutant General to convene a general court-martial; clarifying penalties involving a reduction in grade; prohibiting a punishment of imprisonment and a fine; limiting certain nonjudicial punishments; providing for a finding of guilt to be appealed to the District Court of Appeal; creating s. 250.351, F.S.; providing that ch. 250, F.S., applies within or outside the state; providing for jurisdiction of a court-martial or court of inquiry within or outside the state; amending s. 250.36, F.S.; authorizing the Adjutant General and certain other military officers to issue pretrial confinement warrants and subpoenas and enforce the attendance of witnesses and the production of documents; amending s. 250.37, F.S.; providing for payment of expenses in a court-martial; amending s. 250.375, F.S.; authorizing medical officers to practice medicine on military personnel or civilians under certain circumstances; amending s. 250.38, F.S.; prohibiting certain actions or proceedings against a member of a military court or certain other persons; amending s. 250.39, F.S.; revising penalties imposed for contempt; amending s. 250.40, F.S.; revising the authority and responsibilities of the Armory Board; including a representative of the Governor on the board; amending ss. 250.43, 250.44, 250.45, F.S.; increasing the penalties imposed for violations involving wearing a uniform or insignia of rank without authorization, the theft of military equipment, or discrimination against military personnel; amending ss. 250.46, 250.47, 250.48, F.S., relating to pay and leaves of absence; conforming provisions to changes made by the act; providing certain protections for an employee of a school district while on leave for active state duty; limiting the duration of a leave of absence with pay; amending ss. 250.481, 250.482, F.S., relating to employment discrimination and other penalties; clarifying that a state employer, including a school district or vocational or technical school, may not penalize a member of the Florida National Guard who is ordered into state active duty; amending s. 250.49, F.S.; providing for rations and payment of expenses for officers and enlisted personnel under certain

circumstances; amending ss. 250.51, 250.52, F.S.; increasing the penalties imposed for making an insulting remark or gesture toward the Florida National Guard or unlawfully persuading a person not to enlist in the armed forces; conforming provisions to changes made by the act; amending ss. 250.5201, 250.5202, 250.5204, 250.5205, F.S., relating to proceedings and other actions against a person called into state active duty or active duty; conforming provisions to changes made by the act; requiring the Florida National Guard to provide training, support, and facilities for the state's drug interdiction efforts, subject to an appropriation; repealing ss. 250.13, 250.21, 250.27, 250.41, 250.42, 250.601, F.S., relating to general officers, retired officers and personnel, active service, military properties and lands, and the Emergency Response Trust Fund; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 684** was placed on the calendar of Bills on Third Reading.

On motion by Senator Argenziano—

CS for SB 1044—A bill to be entitled An act relating to water use and impoundment construction permits; amending s. 373.116, F.S.; providing for notice by electronic mail; requiring that permits contain certain specified language; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1044** was placed on the calendar of Bills on Third Reading.

SENATOR CARLTON PRESIDING

On motion by Senator Garcia—

CS for CS for SB 1448—A bill to be entitled An act relating to unemployment compensation; amending ss. 45.031, 69.041, F.S., relating to judicial sales and disbursement of funds; providing for disbursements in conformance with changes made by the act; amending s. 120.80, F.S.; specifying that a judge adjudicating a claim under the unemployment compensation law is not an agency for purposes of chapter 120, F.S.; providing for the conduct of hearings; conforming provisions to the transfer of certain duties of the Department of Labor and Employment Security to the Agency for Workforce Innovation; exempting certain appeal proceedings from the uniform rules of procedure; amending s. 213.053, F.S.; clarifying duties of the Department of Revenue with respect to tax collection performed under a contract with the Agency for Workforce Innovation; amending s. 216.292, F.S.; clarifying procedures for transferring delinquent reimbursements due to the Unemployment Compensation Trust Fund; amending s. 220.191, F.S.; revising definitions for purposes of the capital investment tax credit; amending s. 222.15, F.S., relating to payments upon the death of an employee; conforming provisions; amending ss. 288.106, 288.107, 288.108, F.S.; revising definitions governing the tax-refund program for qualified target industry businesses, brownfield redevelopment bonus refunds, and high-impact businesses; conforming provisions; amending s. 440.15, F.S., relating to compensation for disability; conforming provisions; amending s. 440.381, F.S.; conforming provisions governing an employer's quarterly earning reports; amending ss. 443.011, 443.012, F.S., relating to the Unemployment Compensation Law and the Unemployment Appeals Commission; clarifying provisions; amending s. 443.031, F.S.; revising provisions governing construction of the Unemployment Compensation Law; amending ss. 443.0315, 443.036, 443.041, F.S., relating to subsequent proceedings, definitions, and certain waivers; clarifying and conforming provisions; providing a penalty; specifying that the term "employing unit" applies to a limited liability company; amending s. 443.051, F.S.; specifying additional duties of the Department of Revenue with respect to individuals who are obligated to pay child support; amending s. 443.061, F.S.; providing that the Unemployment Compensation Law does not create vested rights; amending s. 443.071, F.S.; revising penalties; amending s. 443.091, F.S., relating to benefit eligibility; conforming provisions to the transfer of duties to the Agency for Workforce Innovation; deleting obsolete provisions; requiring an individual to submit a valid social security number to be eligible for unemployment benefits; providing for verification of social security

numbers; conforming provisions; amending s. 443.101, F.S.; clarifying and conforming provisions under which an individual may be disqualified for benefits; amending s. 443.111, F.S., relating to the payment of benefits; conforming provisions to changes made by the act and the transfer of duties to the Agency for Workforce Innovation; requiring claimants to continue reporting to certify for benefits regardless of any appeal; creating ss. 443.1115, 443.1116, F.S., relating to extended benefits and short-time compensation; providing definitions; providing for eligibility; providing payment amounts; providing for recovery of overpayments; amending s. 443.121, F.S., relating to employing units; conforming provisions in accordance with the tax collection services performed by the Department of Revenue; creating s. 443.1215, F.S.; specifying employing units that are subject to the Unemployment Compensation Law; creating s. 443.1216, F.S.; specifying types of services that constitute employment for purposes of the Unemployment Compensation Law; creating s. 443.1217, F.S.; specifying wages and payments that are subject to the Unemployment Compensation Law; amending s. 443.131, F.S.; providing for payment of contributions; providing contribution rates; providing benefit ratios; creating s. 443.1312, F.S.; providing for benefits paid to employees of nonprofit organizations; creating s. 443.1313, F.S.; providing for benefits paid to employees of public employers; amending s. 443.1315, F.S., relating to Indian tribes; conforming provisions to changes made by the act; amending s. 443.1316, F.S.; revising requirements governing the duties of the Department of Revenue under its contract with the Agency for Workforce Innovation to provide tax collection services; creating s. 443.1317, F.S.; authorizing the Agency for Workforce Innovation and the state agency providing unemployment tax collection services to adopt rules to administer ch. 443, F.S.; amending s. 443.141, F.S., relating to the collection of contributions; conforming provisions; providing duties of the tax collection service provider; providing rulemaking authority; authorizing civil actions to enforce the collection of contributions, penalties, and interest; prohibiting the payment of interest on refunds or adjustments; amending s. 443.151, F.S., relating to procedures concerning claims; conforming provisions to the transfer of duties to the Agency for Workforce Innovation; deleting certain qualification requirements for appeals referees; amending s. 443.163, F.S., relating to reporting and remitting taxes; conforming provisions; revising requirements of electronic reporting and remitting for certain persons who prepare and report; revising penalties for persons who fail to report by electronic means; amending s. 443.171, F.S.; specifying duties of the Agency for Workforce Innovation with respect to administering ch. 443, F.S.; requiring the publication of acts and rules; deleting provisions creating the Unemployment Compensation Advisory Council; providing for employment stabilization to be under the direction of Workforce Florida, Inc.; conforming provisions governing records, reports, and subpoenas and governing the administration of ch. 443, F.S.; amending ss. 443.1715, 443.1716, F.S., relating to the confidentiality of information and electronic access to employer information; conforming provisions; deleting obsolete provisions; amending s. 443.181, F.S.; conforming provisions governing the public employment service in accordance with the duties transferred to the Agency for Workforce Innovation; amending ss. 443.191, 443.211, F.S., relating to the Unemployment Compensation Trust Fund and the Employment Security Administration Trust Fund; conforming provisions; specifying that the Unemployment Compensation Trust Fund is the sole source for paying unemployment compensation benefits; limiting the state's liability; deleting obsolete provisions; amending s. 443.221, F.S.; revising provisions governing reciprocal arrangements with other states and the Federal Government; conforming provisions; amending s. 445.009, F.S., relating to the one-stop delivery system operated under the Workforce Innovation Act; conforming provisions to the transfer of duties from the Department of Labor and Employment Security to the Agency for Workforce Innovation; amending ss. 468.529, 896.101, F.S.; conforming provisions governing employee leasing companies and the Florida Money Laundering Act; repealing s. 6 of ch. 94-347, Laws of Florida, relating to payment of benefits; repealing ss. 443.021, 443.161, 443.201, 443.231, 443.232, F.S., relating to public policy, administrative provisions, the Florida Training Investment Program, and rulemaking; providing for retroactive application of provisions relating to electronic reporting and remitting of taxes; providing effective dates.

—was read the second time by title.

Senator Garcia moved the following amendments which were adopted:

Amendment 1 (291740)(with title amendment)—On page 236, line 14 through page 239, line 14, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 5, lines 13-16, delete those lines and insert: administration of ch. 443, F.S.; amending s. 443.1715, F.S., relating to the confidentiality of information; conforming

Amendment 2 (381258)(with title amendment)—On page 260, line 10, after the second comma (,) insert: 443.1716,

And the title is amended as follows:

On page 6, lines 14 and 15, delete those lines and insert: 443.1716, 443.201, 443.231, 443.232, F.S., relating to public policy, administrative provisions, authorized access to employer information, the

Pursuant to Rule 4.19, **CS for CS for SB 1448** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Wise, by two-thirds vote **HB 1785** was withdrawn from the Committees on Comprehensive Planning; Governmental Oversight and Productivity; Transportation; and Rules and Calendar.

On motion by Senator Wise—

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.

—a companion measure, was substituted for **CS for SB 1664** and read the second time by title.

Pursuant to Rule 4.19, **HB 1785** was placed on the calendar of Bills on Third Reading.

On motion by Senator Posey, by two-thirds vote **HB 1609** was withdrawn from the Committees on Governmental Oversight and Productivity; Judiciary; Appropriations Subcommittee on General Government; and Appropriations.

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

HB 1609—A bill to be entitled An act relating to state planning and budgeting; amending s. 216.023, F.S.; requiring a summary of each state agency and the judicial branch of state government's preceding year's financial data to be submitted annually to the Legislature; providing content requirements of the summary; providing an effective date.

—a companion measure, was substituted for **SB 1808** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 1609** was placed on the calendar of Bills on Third Reading.

On motion by Senator Aronberg—

CS for SB 1588—A bill to be entitled An act relating to drug abuse prevention and control; amending s. 893.13, F.S.; prohibiting the sale, manufacture, or delivery of controlled substances, or possession of controlled substances with intention to sell, manufacture, or deliver, within 1,000 feet of certain educational institutions, described housing facilities, and any state, county, or municipal park or publicly owned recreational facility or community center; providing a definition; providing penalties; amending s. 921.0022, F.S.; ranking such offenses on the offense severity ranking chart of the Criminal Punishment Code; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1588** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bennett—

CS for SB 1954—A bill to be entitled An act relating to specialty license plates; creating s. 320.0891, F.S.; creating the U.S. Paratroopers license plate; restricting eligibility to purchase such plates; amending s. 320.089, F.S.; creating the Valor license plate; providing for the distribution of annual use fees received from the sale of such plates; providing an effective date.

—was read the second time by title.

Senator Fasano moved the following amendment which was adopted:

Amendment 1 (725342)(with title amendment)—On page 1, between lines 12 and 13, insert:

Section 1. Paragraph (mm) is added to subsection (4) of section 320.08056, Florida Statutes, to read:

320.08056 Specialty license plates.—

(4) The following license plate annual use fees shall be collected for the appropriate specialty license plates:

(mm) *Military Services license plate, \$15.*

Section 2. Subsection (39) is added to section 320.08058, Florida Statutes, to read:

320.08058 Specialty license plates.—

(39) *MILITARY SERVICES LICENSE PLATES.—*

(a) *The department shall develop a series of military services license plates for the United States Army, Navy, Air Force, and Coast Guard as provided in this section. The word "Florida" must appear at the top of the plate, and the word "Army," "Navy," "Air Force," or "Coast Guard" must appear at the bottom of the plate. The appropriate logo for the particular branch of the military must appear on the left side of the plate, approximately 3 inches in diameter.*

(b) *The annual use fees shall be deposited into the State Homes for Veterans Trust Fund and must be used solely to construct, operate, and maintain domiciliary and nursing homes for veterans, subject to the requirements of chapter 216.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 2 after the semicolon (;) insert: 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;

MOTION

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

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

Amendment 2 (632548)(with title amendment)—On page 6, delete line 12 and insert:

Section 3. Effective July 1, 2003, paragraph (mm) is added to subsection (4) of section 320.08056, Florida Statutes, to read:

320.08056 Specialty license plates.—

(4) The following license plate annual use fees shall be collected for the appropriate specialty license plates:

(mm) *Protect Our Reefs license plate, \$25.*

Section 4. Effective July 1, 2003, paragraph (b) of subsection (12) of section 320.08058, Florida Statutes, is amended and subsection (39) is added to that section, to read:

320.08058 Specialty license plates.—

(12) FLORIDA ARTS LICENSE PLATES.—

(b) The license plate annual use fees are to be annually distributed as follows:

1. All fees collected must be forwarded quarterly to the *single arts council officially designated by the county in direct proportion to the amounts of fees collected in each county. If there is no county arts council, fees collected must be forwarded to such other agency in the county as the highest ranking county administrative official designates, to be applied by the arts council or agency to support arts organizations, arts programs, and arts activities within the county* ~~Division of Cultural Affairs of the Department of State, together with a report setting forth the amount of such fees collected in each county, and must be deposited into the Florida Fine Arts Trust Fund.~~

~~2. The Division of Cultural Affairs shall distribute the fees forwarded to it by the department to the counties in the amounts set forth in the report required under subparagraph 1., in each case to the county arts council for such county or, if there is none, to such other agency in the county as the division designates, to be applied by the council or agency to support art organizations, programs, and activities within the county.~~

(39) PROTECT OUR REEFS LICENSE PLATES.—

(a) *The department shall develop a Protect Our Reefs license plate as provided in this section. Protect Our Reefs license plates must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Protect Our Reefs" must appear at the bottom of the plate.*

(b) *The proceeds of the annual use fee shall be distributed to Mote Marine Laboratory, Inc., to fund Florida reef research, conservation, and education programs. Up to 15 percent of the funds received by Mote Marine Laboratory, Inc., may be expended for annual administrative costs directly associated with the administration of the Protect Our Reefs program. Up to 10 percent of the funds received by Mote Marine Laboratory, Inc., may be used by Mote Marine Laboratory, Inc., for the continuing promotion and marketing of the license plate. After reimbursement for documented costs expended in the establishment of the plate, Mote Marine Laboratory, Inc., shall use and distribute the remaining funds to eligible Florida-based scientific, conservation, and education organizations for the collection, analysis, and distribution of scientific, educational, and conservation information to the research community; federal, state, and local government agencies; educational institutions; and the public. Eligible organizations shall be based in Florida and engaged in reef research, conservation, or education.*

(c) *The state Auditor General may examine any records of Mote Marine Laboratory, Inc., and any other organization that receives funds from the sale of the Protect Our Reefs license plate, to determine compliance with law.*

Section 5. Except as otherwise specifically provided in this act, this act shall take effect October 1, 2003.

And the title is amended as follows:

On page 1, delete line 9 and insert: amending s. 320.08056, F.S.; creating the Protect Our Reefs license plate; amending s. 320.08058, F.S.; requiring that the license plate use fee from the Florida Arts license plate be transferred directly to the county arts council; providing for the distribution of the annual use fee from the Protect Our Reef license plate received from the sale of such plates; providing for audit by the Auditor General; providing effective dates.

MOTION

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

Senator Bennett moved the following amendment which was adopted:

Amendment 3 (455910)(with title amendment)—On page 2, line 26 through page 6, line 11, delete those lines and renumber subsequent section.

And the title is amended as follows:

On page 1, lines 5-8, delete those lines and insert: eligibility to purchase such plates;

Pursuant to Rule 4.19, **CS for SB 1954** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Pruitt, by two-thirds vote **CS for CS for SB 1258** was withdrawn from the Committee on Appropriations.

SPECIAL ORDER CALENDAR, continued

On motion by Senator Peadar—

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.

—was read the second time by title.

Senator Peaden offered the following amendment which was moved by Senator Campbell and adopted:

Amendment 1 (782644)(with title amendment)—On page 139, lines 24-27, delete those lines and renumber subsequent section.

And the title is amended as follows:

On page 5, line 11, delete “providing an appropriation;”

MOTION

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

Senator Peaden moved the following amendments which were adopted:

Amendment 2 (763838)(with title amendment)—On page 54, lines 27 and 28, delete “s. 499.0121(7)” and insert: s. 499.0121(6) s. 499.0121(7)

And the title is amended as follows:

On page 3, line 8, after the first semicolon (;) insert: correcting a cross-reference;

Amendment 3 (262206)—On page 55, line 26 through page 56, line 24, delete those lines and insert:

(d) “Primary wholesaler” means any wholesale distributor that:

1. Purchased 90 percent or more of the total dollar volume of its purchases of prescription drugs directly from manufacturers in the previous year; and

2.a. Directly purchased prescription drugs from not fewer than 50 different prescription drug manufacturers in the previous year; or

b. Has, or the affiliated group, as defined in s. 1504 of the Internal Revenue Code, of which the wholesale distributor is a member has, not fewer than 250 employees.

(e) “Directly from a manufacturer” means:

1. Purchases made by the wholesale distributor directly from the manufacturer of prescription drugs; and

2. Transfers from a member of an affiliated group, as defined in s. 1504 of the Internal Revenue Code, of which the wholesale distributor is a member, if:

a. The affiliated group purchases 90 percent or more of the total dollar volume of its purchases of prescription drugs from the manufacturer in the previous year; and

b. The wholesale distributor discloses to the department the names of all members of the affiliated group of which the wholesale distributor is a member and the affiliated group agrees in writing to provide records on prescription drug purchases by the members of the affiliated group not later than 48 hours after the department requests access to such records, regardless of the location where the records are stored.

(f) “Secondary wholesaler” means a wholesale distributor that is not a primary wholesaler.

Amendment 4 (065952)—On page 44, between lines 28 and 29, insert:

(d) “Primary wholesaler” means any wholesale distributor that:

1. Purchased 90 percent or more of the total dollar volume of its purchases of prescription drugs directly from manufacturers in the previous year; and

2.a. Directly purchased prescription drugs from not fewer than 50 different prescription drug manufacturers in the previous year; or

b. Has, or the affiliated group, as defined in s. 1504 of the Internal Revenue Code, of which the wholesale distributor is a member has, not fewer than 250 employees.

(e) “Directly from a manufacturer” means:

1. Purchases made by the wholesale distributor directly from the manufacturer of prescription drugs; and

2. Transfers from a member of an affiliated group, as defined in s. 1504 of the Internal Revenue Code, of which the wholesale distributor is a member, if:

a. The affiliated group purchases 90 percent or more of the total dollar volume of its purchases of prescription drugs from the manufacturer in the previous year; and

b. The wholesale distributor discloses to the department the names of all members of the affiliated group of which the wholesale distributor is a member and the affiliated group agrees in writing to provide records on prescription drug purchases by the members of the affiliated group not later than 48 hours after the department requests access to such records, regardless of the location where the records are stored.

(f) “Secondary wholesaler” means a wholesale distributor that is not a primary wholesaler.

Amendment 5 (471800)(with title amendment)—On page 100, line 24, after “(d)” insert: , (e), or (f)

And the title is amended as follows:

On page 4, line 1, after the semicolon (;) insert: correcting a cross-reference;

Amendment 6 (673180)—On page 80, lines 15-19, delete those lines and insert: *ten wholesale distributors permitted in this state, excluding the wholesale distributors described in sub-subparagraph b.; or that, as a result of changes to the list of authorized distributors of record filed with the department, has fewer than ten wholesale distributors permitted in this state as*

Pursuant to Rule 4.19, CS for CS for SB 2312 as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

RECONSIDERATION OF BILL

On motion by Senator Lee, the Senate reconsidered placing **HB 739** on the Calendar of Bills on Third Reading.

HB 739—A bill to be entitled An act relating to succession to the office of Governor; amending s. 14.055, F.S.; revising provisions relating to succession to the office of Governor; reenacting s. 14.056, F.S., relating to succession as Acting Governor, to provide for the same amendments to succession in office as provided for succession to the office of Governor; providing an effective date.

The Committee on Banking and Insurance recommended the following amendment which was moved by Senator Lee and adopted:

Amendment 1 (500964)—Lines 12-51, delete those lines and insert:

Section 1. Section 14.055, Florida Statutes, is amended to read:

14.055 Succession to office of Governor.—Upon vacancy in the office of Governor, the Lieutenant Governor shall become Governor. Upon vacancy in the office of Governor and in the office of Lieutenant Governor, the Secretary of State shall become Governor; or if the office of Secretary of State be vacant, then the Attorney General shall become Governor; or if the office of Attorney General be vacant, then the Chief Financial Officer Comptroller shall become Governor; or if the office of Comptroller be vacant, then the Treasurer shall become Governor; or if the office of Treasurer be vacant, then the Commissioner of Education shall become Governor; or if the office of Chief Financial Officer Commissioner of Education be vacant, then the Commissioner of Agriculture shall become Governor. A successor under this section shall serve for the remainder of the term and shall receive all the rights, privileges and emoluments of the Governor. In case a vacancy shall occur in the office of Governor and provision is not made herein for filling such vacancy, then the Speaker of the House and the President of the Senate shall convene the Legislature by joint proclamation within 15 days for the purpose of choosing a person to serve as Governor for the remainder of the term. A successor shall be elected by a majority vote in a joint session of both houses.

Pursuant to Rule 4.19, **HB 739** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Smith—

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.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2046** was placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano, by two-thirds vote **HB 465** was withdrawn from the Committees on Criminal Justice; Governmental Oversight and Productivity; Appropriations Subcommittee on Criminal Justice; and Appropriations.

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

HB 465—A bill to be entitled An act relating to unclaimed court-ordered payments; amending s. 945.31, F.S.; authorizing the Department of Corrections to deposit or transfer into the General Revenue Fund certain overpayments and other payments; repealing s. 960.0025, F.S., relating to the allocation of certain funds from restitution or other court-ordered payments; providing an effective date.

—a companion measure, was substituted for **CS for SB 1910** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 465** was placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

SB 2700—A bill to be entitled An act relating to probate and trusts and statutes of limitation; amending s. 731.103, F.S.; providing that the fact that a missing person was subject to a specific peril of death is evidence for a finding of a presumptive death; amending ss. 731.201 and 731.303, F.S.; revising the conflict of interest standard in the definitions of “beneficiary,” “devisee,” “interested person,” and in judicial orders binding the trustee; amending s. 732.217, F.S.; eliminating the requirement that property be homestead property to be excepted from the application of the Florida Uniform Disposition of Community Property Rights at Death Act; amending s. 732.502, F.S.; providing that military testamentary instruments executed pursuant to federal law are valid in this state; amending s. 732.603, F.S.; revising provisions with respect to antilapse provisions; amending s. 733.205, F.S.; revising provisions with respect to the probate of notarial wills; amending s. 733.212, F.S.; revising provisions with respect to the notice of administration; amending s. 733.2121, F.S.; revising the time in which notice to creditors must be served; amending s. 733.608, F.S.; revising provisions with respect to the general power of the personal representative; amending s. 733.609, F.S.; revising provisions with respect to awarding taxable costs and attorney’s fees with respect to improper exercise of power or the breach of fiduciary duty; amending s. 734.1025, F.S., to conform to the amendment to s. 732.502, F.S.; amending s. 735.2063, F.S.; revising provisions with respect to notice to creditors; amending s. 737.106, F.S.; revising provisions with respect to revocable trust prior to dissolution of marriage; amending s. 737.2035, F.S.; revising provisions with respect to costs and attorney’s fees in trust proceedings; amending s. 737.204, F.S.; revising provisions with respect to proceedings for review of employment of agents and review of compensation of trustee and employees of trust; amending s. 737.404, F.S.; revising provisions with respect to powers exercisable by joint trustees; creating s. 737.6035, F.S.; providing antilapse provisions with respect to inter vivos trusts under certain circumstances; amending s. 737.627, F.S.; revising provisions with respect to costs and attorney’s fees; amending s. 95.031, F.S.; including constructive fraud in actions based upon fraud for statute-of-limitations computation; providing such amendments are remedial in nature and have retrospective effect; reenacting ss. 709.08 and 717.1243, F.S., to incorporate by reference the amendment of s. 731.201, F.S.; reenacting ss. 660.46, 731.302, 737.303, and 737.307, F.S., to incorporate by reference the amendment to s. 731.303, F.S.; reenacting s. 382.025, F.S., to incorporate by reference the amendment to s. 732.502, F.S.; reenacting ss. 732.604 and 732.801, F.S., to incorporate by reference the amendment to s. 732.603, F.S.; reenacting s. 733.701, F.S., to incorporate by reference the amendment to s. 733.2121, F.S.; reenacting s. 63.182, F.S., to incorporate by reference the amendment to s. 95.031, F.S.; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 2700** was placed on the calendar of Bills on Third Reading.

On motion by Senator Wilson—

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.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 1318** was placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano—

CS for SB 1410—A bill to be entitled An act relating to homeowners’ associations; amending s. 720.303, F.S.; providing powers for associa-

tions 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 an effective date.

—was read the second time by title.

Senator Fasano moved the following amendment which was adopted:

Amendment 1 (565720)(with title amendment)—On page 6, between lines 8 and 9, insert:

Section 5. *The amendments to section 720.306, Florida Statutes, provided in this act shall not apply to or affect any vested rights recognized by any court order or judgment in any action commenced prior to July 1, 2003, and any such vested rights so recognized may not be subsequently altered without the consent of the affected parcel owner or owners.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 12, after the semicolon (;) insert: providing for a limitation on the applicability of certain provisions of the act;

Pursuant to Rule 4.19, **CS for SB 1410** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Lynn—

SB 1440—A bill to be entitled An act relating to public records; amending s. 741.465, F.S.; providing for the confidentiality of information held by the Office of the Attorney General which identifies participants in the Address Confidentiality Program for Victims of Domestic Violence; providing for retroactive application; removing the repeal thereof scheduled under the Open Government Sunset Review Act of 1995; providing for the confidentiality of information contained in voter registration records held by the supervisors of elections which identifies participants in the Address Confidentiality Program for Victims of Domestic Violence; providing for retroactive application; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; repealing ss. 741.406(2) and 741.407, F.S., relating to an exemption from public-records requirements for information held by the supervisors of elections and the Attorney General which identifies participants in the Address Confidentiality Program for Victims of Domestic Violence; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **SB 1440** to **HB 1763**.

Pending further consideration of **SB 1440** as amended, on motion by Senator Lynn, by two-thirds vote **HB 1763** was withdrawn from the Committees on Children and Families; Ethics and Elections; Judiciary; Governmental Oversight and Productivity; and Rules and Calendar.

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

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.

—a companion measure, was substituted for **SB 1440** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 1763** was placed on the calendar of Bills on Third Reading.

On motion by Senator Lynn—

CS for SB 1442—A bill to be entitled An act relating to child protective investigations; amending s. 39.201, F.S.; clarifying persons responsible for a child's welfare; requiring personnel from the abuse hotline of the Department of Children and Family Services to determine if a report meets the criteria for child abuse, neglect, or abandonment; modifying the consideration given to specified reporters; requiring the Department of Children and Family Services to conduct an assessment in response to certain reports involving juvenile sexual offenders; deleting the reference to the professionals mandated to report child abuse, neglect, or abandonment; providing in a different subsection for the professionals' provision of their name; providing in a different subsection the stipulation that the contracted providers and employees of the judicial branch do not need to report incidents already known by the Department of Children and Family Services; providing in a different subsection the clear duty of community-based providers to report abuse, abandonment and neglect; providing that reports of out-of-state abuse not be accepted by the hotline; amending s. 39.301, F.S.; providing for an onsite investigation process for reports meeting specified criteria; requiring approval and documentation that a report meets the criteria; requiring that certain reports are subject to an enhanced onsite child protective investigation; providing criteria; providing requirements for such investigations; requiring the department to monitor the findings of the reports in its quality assurance program; amending s. 39.302, F.S.; revising the time-frame for responding to a report of institutional child abuse; amending s. 39.307, F.S.; revising a cross-reference; amending s. 39.823, F.S., relating to guardian advocates; conforming a cross-reference to changes made by the act; amending s. 414.065, F.S.; eliminating the requirement for a referral for protection intervention; requiring the Department of Children and Family Services to establish a Protective Investigator Retention Workgroup; specifying the issues to be examined and plans to be developed; requiring a report to the Legislature on the results of the examinations and plans developed; requiring the Department of Children and Family Services to conduct a quality assurance review of child abuse reports that are subject to an onsite child protective investigation; requiring the quality assurance review of sheriffs' offices conducting child protective investigations to be incorporated into their program performance evaluation; requiring a report to the Legislature; prohibiting the amendment of the approved operating budget to reduce protective investigative positions; requiring the Department of Children and Family Services to develop guidelines for conducting onsite and enhanced child protection investigations in collaboration with the sheriffs' offices; providing an effective date.

—was read the second time by title.

Senator Lynn moved the following amendments which were adopted:

Amendment 1 (744114)—On page 10, line 20, after "department" insert: *or the sheriff providing child protective investigative services under s. 39.3065,*

Amendment 2 (440502)—On page 20, line 14, after "Justice" and insert: *, the Florida Juvenile Justice Association,*

Amendment 3 (431010)—In title, on page 2, line 21, after the semicolon (;) insert: *requiring a study by the Office of Program Policy Analysis and Government Accountability concerning the availability of services and a report;*

Pursuant to Rule 4.19, **CS for SB 1442** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Sebesta—

SB 2164—A bill to be entitled An act relating to enterprise zones; amending s. 290.00675, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to amend the boundaries of specified com-

munities and increasing the population limit thereof; providing an effective date.

—was read the second time by title.

The Committee on Commerce, Economic Opportunities, and Consumer Services recommended the following amendments which were moved by Senator Sebesta and failed:

Amendment 1 (842880)(with title amendment)—On page 1, between lines 10 and 11, insert:

Section 1. Subsection (12) is added to section 290.0065, Florida Statutes, to read:

290.0065 State designation of enterprise zones.—

(12) *Notwithstanding any provisions in s. 290.0055 regarding the size of an enterprise zone, any county defined by s. 125.011(1) may apply to the Office of Tourism, Trade, and Economic Development by October 1, 2003, to expand the boundary of an existing enterprise zone to include an additional 8.7 square miles. The area must include areas to the north or east of the northeastern most section of an existing enterprise zone. The expanded area may not include any area not described in this subsection. The Office of Tourism, Trade, and Economic Development shall approve an amendment to the boundary of an enterprise zone under this subsection by January 1, 2004, provided that the area proposed for addition to the enterprise zone is consistent with the criteria and conditions imposed by s. 290.0055 upon the establishment of enterprise zones, including the requirement that the area suffer from pervasive poverty, unemployment, and general distress.*

(Redesignate subsequent subsections.)

And the title is amended as follows:

On page 1, delete line 3 and insert: ss. 290.0065 and 290.00675, F.S., authorizing the Office of

Amendment 2 (151664)(with title amendment)—On page 1, between lines 23 and 24, insert:

Section 2. *Enterprise zone designation for Escambia County.—Escambia County may apply to the Office of Tourism, Trade, and Economic Development for designation of one enterprise zone within the county encompassing an area which shall not exceed 20 square miles and shall have a contiguous boundary or shall consist of not more than three noncontiguous areas. The application must be submitted by December 31, 2003, and must comply with the requirements of section 290.0055, Florida Statutes, except section 290.0055(3), Florida Statutes. Notwithstanding the provisions of section 290.0065, Florida Statutes, limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the Office of Tourism, Trade, and Economic Development may designate one enterprise zone under this section. The Office of Tourism, Trade, and Economic Development shall establish the initial effective date of the enterprise zone designated pursuant to this section.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 6, after the semicolon (;) insert: authorizing Escambia County to apply to the office for designation of one enterprise zone notwithstanding certain limitations; providing requirements;

The Committee on Commerce, Economic Opportunities, and Consumer Services recommended the following amendment which was moved by Senator Sebesta:

Amendment 3 (891668)(with title amendment)—On page 1, between lines 23 and 24, insert:

Section 2. Paragraph (h) of subsection (5) of section 212.08, Florida Statutes, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(h) Business property used in an enterprise zone.—

1. Business property purchased for use by businesses located in an enterprise zone which is subsequently used in an enterprise zone shall be exempt from the tax imposed by this chapter. This exemption inures to the business only through a refund of previously paid taxes. A refund shall be authorized upon an affirmative showing by the taxpayer to the satisfaction of the department that the requirements of this paragraph have been met.

2. To receive a refund, the business must file under oath with the governing body or enterprise zone development agency having jurisdiction over the enterprise zone where the business is located, as applicable, an application which includes:

- a. The name and address of the business claiming the refund.
- b. The identifying number assigned pursuant to s. 290.0065 to the enterprise zone in which the business is located.
- c. A specific description of the property for which a refund is sought, including its serial number or other permanent identification number.
- d. The location of the property.
- e. The sales invoice or other proof of purchase of the property, showing the amount of sales tax paid, the date of purchase, and the name and address of the sales tax dealer from whom the property was purchased.
- f. Whether the business is a small business as defined by s. 288.703(1).
- g. If applicable, the name and address of each permanent employee of the business, including, for each employee who is a resident of an enterprise zone, the identifying number assigned pursuant to s. 290.0065 to the enterprise zone in which the employee resides.

3. Within 10 working days after receipt of an application, the governing body or enterprise zone development agency shall review the application to determine if it contains all the information required pursuant to subparagraph 2. and meets the criteria set out in this paragraph. The governing body or agency shall certify all applications that contain the information required pursuant to subparagraph 2. and meet the criteria set out in this paragraph as eligible to receive a refund. If applicable, the governing body or agency shall also certify if 20 percent of the employees of the business are residents of an enterprise zone, excluding temporary and part-time employees. The certification shall be in writing, and a copy of the certification shall be transmitted to the executive director of the Department of Revenue. The business shall be responsible for forwarding a certified application to the department within the time specified in subparagraph 4.

4. An application for a refund pursuant to this paragraph must be submitted to the department within 6 months after the tax is due on the business property that is purchased.

5. The provisions of s. 212.095 do not apply to any refund application made pursuant to this paragraph. The amount refunded on purchases of business property under this paragraph shall be the lesser of 97 percent of the sales tax paid on such business property or \$5,000, or, if no less than 20 percent of the employees of the business are residents of an enterprise zone, excluding temporary and part-time employees, the amount refunded on purchases of business property under this paragraph shall be the lesser of 97 percent of the sales tax paid on such business property or \$10,000. A refund approved pursuant to this paragraph shall be made within 30 days of formal approval by the department of the application for the refund. No refund shall be granted under this paragraph unless the amount to be refunded exceeds \$100 in sales tax paid on purchases made within a 60-day time period.

6. The department shall adopt rules governing the manner and form of refund applications and may establish guidelines as to the requisites for an affirmative showing of qualification for exemption under this paragraph.

7. If the department determines that the business property is used outside an enterprise zone within 3 years from the date of purchase, the

amount of taxes refunded to the business purchasing such business property shall immediately be due and payable to the department by the business, together with the appropriate interest and penalty, computed from the date of purchase, in the manner provided by this chapter. Notwithstanding this subparagraph, business property used exclusively in:

- a. Licensed commercial fishing vessels,
- b. Fishing guide boats, or
- c. Ecotourism guide boats

that leave and return to a fixed location within an area designated under s. 370.28 are eligible for the exemption provided under this paragraph if all requirements of this paragraph are met. Such vessels and boats must be owned by a business that is eligible to receive the exemption provided under this paragraph. This exemption does not apply to the purchase of a vessel or boat.

8. The department shall deduct an amount equal to 10 percent of each refund granted under the provisions of this paragraph from the amount transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund pursuant to s. 212.20 for the county area in which the business property is located and shall transfer that amount to the General Revenue Fund.

9. For the purposes of this exemption, "business property" means new or used property defined as "recovery property" in s. 168(c) of the Internal Revenue Code of 1954, as amended, except:

- a. Property classified as 3-year property under s. 168(c)(2)(A) of the Internal Revenue Code of 1954, as amended;
- b. Industrial machinery and equipment as defined in subparagraph (b)6.a. and eligible for exemption under paragraph (b);
- c. Building materials as defined in sub-subparagraph (g)8.a.; and
- d. Business property having a sales price of under \$500 \$5,000 per unit.

10. The provisions of this paragraph shall expire and be void on December 31, 2005.

Section 3. Subsection (3) of section 290.00676, Florida Statutes, is amended to read:

290.00676 Amendment of rural enterprise zone boundaries.—Notwithstanding any other law, upon recommendation by Enterprise Florida, Inc., the Office of Tourism, Trade, and Economic Development may approve requests to amend the boundaries of rural enterprise zones as defined in s. 290.004(8). Boundary amendments authorized by this section are subject to the following requirements:

(3) The local enterprise zone development agency must request the amendment from Enterprise Florida, Inc., prior to December 30, 2003 2004. The request must contain maps and sufficient information to allow the office to determine the number of noncontiguous areas and the total size of the rural enterprise zone.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 6, after the semicolon (;) insert: amending s. 212.08, F.S.; reducing the minimum purchase price for exemption from tax for business property used in an enterprise zone; amending s. 290.00676, F.S.; extending the deadline for requests to amend rural enterprise zone boundaries;

The Committee on Finance and Taxation recommended the following substitute amendment which was moved by Senator Sebesta and failed:

Amendment 4 (503814)(with title amendment)—On page 1, between lines 23 and 24, insert:

Section 2. Section 290.00676, Florida Statutes, is amended to read:

290.00676 Amendment of rural enterprise zone boundaries.—Notwithstanding any other law, upon recommendation by Enterprise Florida, Inc., the Office of Tourism, Trade, and Economic Development may

approve requests to amend the boundaries of rural enterprise zones as defined in s. 290.004(8). Boundary amendments authorized by this section are subject to the following requirements:

(1) The amendment may increase the size of the rural enterprise zone up to a maximum zone size of 20 square miles.

(2) The amendment may increase the zone's number of noncontiguous areas by one, if the additional noncontiguous area has zero population.

(3) For purposes of this ~~section subsection~~, the pervasive poverty criteria may be set aside ~~for the addition of a noncontiguous area~~.

(4)(~~3~~) The local enterprise zone development agency must request the amendment from Enterprise Florida, Inc., prior to December 30, 2003 2004. The request must contain maps and sufficient information to allow the office to determine the number of noncontiguous areas and the total size of the rural enterprise zone.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 6, after the semicolon (;) insert: amending s. 290.00676, F.S.; changing the criteria for rural enterprise zone boundary amendments; extending the deadline for requests to amend rural enterprise zone boundaries;

The question recurred on **Amendment 3** which failed.

The Committee on Comprehensive Planning recommended the following amendments which were moved by Senator Sebesta and failed:

Amendment 5 (385660)(with title amendment)—On page 1, between lines 23 and 24, insert:

Section 2. Section 290.00693, Florida Statutes, is amended to read:

290.00693 Enterprise zone designation for Gadsden County.—

(1) Gadsden County may apply to the Office of Tourism, Trade, and Economic Development for designation of one enterprise zone encompassing an area within the county. The application must be submitted by December 31, 1999, and must comply with the requirements of s. 290.0055. Notwithstanding the provisions of s. 290.0065 limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the Office of Tourism, Trade, and Economic Development may designate one enterprise zone under this section. The Office of Tourism, Trade, and Economic Development shall establish the initial effective date of the enterprise zone designated pursuant to this section.

(2) *Before December 31, 2003, the governing body of a county in which an enterprise zone designated under this section is located may apply to the Office of Tourism, Trade, and Economic Development to amend the boundaries of the enterprise zone for the purpose of replacing areas not suitable for development.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 6, after the semicolon (;) insert: amending s. 290.00693, F.S.; authorizing the governing body of Gadsden County to apply to amend the boundaries of a specified enterprise zone;

Amendment 6 (782736)(with title amendment)—On page 1 between lines 23 and 24, insert:

Section 2. Subsection (12) of section 290.0065, Florida Statutes, is added to read:

290.0065 State designation of enterprise zones.—

(12) *Before December 31, 2003, any county as defined in s. 125.011(1) may apply to the Office of Tourism, Trade, and Economic Development to amend the boundaries of an existing enterprise zone for the purpose of replacing an area of not more than 75 acres that is not suitable for development with an area of the same number of acres that is suitable for development. The area suitable for development must be contiguous to the*

existing enterprise zone and must be contiguous to a zoological park and the county must have previously completed a master plan for development of the area. The Office of Tourism, Trade, and Economic Development shall approve the amendment effective January 1, 2004 provided that the enterprise zone remains consistent with the criteria and conditions imposed by s. 290.0055 upon the establishment of enterprise zones, including the requirement that the area suffer from pervasive poverty, unemployment, and general distress.

And the title is amended as follows:

On page 1, line 6, after the semicolon (;) insert: amending s. 290.0065, F.S.; authorizing Miami-Dade County to apply to amend the boundaries of a specified enterprise zone;

The Committee on Finance and Taxation recommended the following amendments which were moved by Senator Sebesta and failed:

Amendment 7 (293644)(with title amendment)—On page 1, between lines 10 and 11, insert:

Section 1. Subsection (12) is added to section 290.0065, Florida Statutes, to read:

290.0065 State designation of enterprise zones.—

(12) Notwithstanding any provisions in s. 290.0055 regarding the size of an enterprise zone, any county defined by s. 125.011(1) may apply to the Office of Tourism, Trade, and Economic Development by October 1, 2003, to expand the boundary of an existing enterprise zone to include eligible areas of not more than 3 acres. The area must include areas to the west and southwest of an existing enterprise zone. The office of Tourism, Trade, and Economic Development shall approve an amendment to the boundary of an enterprise zone under this subsection by January 1, 2004, provided that the area proposed for addition to the enterprise zone is consistent with the criteria and conditions imposed by s. 290.0055 upon the establishment of enterprise zones, including the requirement that the area suffer from pervasive poverty, unemployment, and general distress.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, delete line 3 and insert: ss. 290.0065 and 290.00675, F.S., authorizing the Office of

Amendment 8 (302350)(with title amendment)—On page 1, between lines 23 and 24, insert:

Section 2. Section 290.00698, Florida Statutes, is amended to read:

290.00698 Enterprise zone designation for Okaloosa County.—

(1) Okaloosa County may apply to the Office of Tourism, Trade, and Economic Development for designation of one enterprise zone within an area in Okaloosa County, which zone encompasses an area up to 6 square miles. The application must be submitted by December 31, 2001, and must comply with the requirements of s. 290.0055, except subsection (3) thereof. Notwithstanding the provisions of s. 290.0065 limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the Office of Tourism, Trade, and Economic Development may designate one enterprise zone under this section. The Office of Tourism, Trade, and Economic Development shall establish the initial effective date of the enterprise zone designated pursuant to this section.

(2) Notwithstanding any other provision of law, the Office of Tourism, Trade, and Economic Development may approve a request by Okaloosa County to amend the boundaries of the area designated as an enterprise zone under this section if the amendment does not increase the overall size of the enterprise zone by more than 1 square mile. The amendment must also be consistent with the limitations imposed by s. 290.0055. Such a request must be submitted to the office before December 31, 2003.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 6, after the semicolon (;) insert: amending s. 290.00698, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to approve a request to amend the boundaries of the Okaloosa County Enterprise Zone under certain conditions;

MOTION

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

Senator Sebesta moved the following amendment which was adopted:

Amendment 9 (162742)(with title amendment)—On page 1, between lines 23 and 24, insert:

Section 2. Subsection (3) of section 290.00676, Florida Statutes, is amended to read:

290.00676 Amendment of rural enterprise zone boundaries.—Notwithstanding any other law, upon recommendation by Enterprise Florida, Inc., the Office of Tourism, Trade, and Economic Development may approve requests to amend the boundaries of rural enterprise zones as defined in s. 290.004(8). Boundary amendments authorized by this section are subject to the following requirements:

(3) The local enterprise zone development agency must request the amendment from Enterprise Florida, Inc., prior to December 30, 2003. The request must contain maps and sufficient information to allow the office to determine the number of noncontiguous areas and the total size of the rural enterprise zone.

Section 3. Section 290.00679, Florida Statutes, is created to read:

290.00679 Amendment to certain rural enterprise zone boundaries.—Notwithstanding any other law, upon recommendation by Enterprise Florida, Inc., the Office of Tourism, Trade, and Economic Development may approve requests to amend the boundaries of rural enterprise zones as defined in s. 290.004(8). Boundary amendments authorized by this section are subject to the following requirements:

(1) The amendment may increase the size of the rural enterprise zone up to a maximum zone size of 20 square miles.

(2) For purposes of this section, the pervasive poverty criterion may be set aside.

(3) The local enterprise zone development agency must request the amendment from Enterprise Florida, Inc., before December 31, 2003. The request must contain maps and sufficient information to allow the office to determine the total size of the rural enterprise zone.

Section 4. Enterprise zone designation for Escambia County.—Escambia County may apply to the Office of Tourism, Trade, and Economic Development for designation of one enterprise zone within the county encompassing an area which shall not exceed 20 square miles and shall have a contiguous boundary or shall consist of not more than three noncontiguous areas. The application must be submitted by December 31, 2003, and must comply with the requirements of section 290.0055, Florida Statutes, except section 290.0065, Florida Statutes, limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the Office of Tourism, Trade, and Economic Development may designate one enterprise zone under this section. The Office of Tourism, Trade, and Economic Development shall establish the initial effective date of the enterprise zone designated pursuant to this section.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 6, after the semicolon (;) insert: amending s. 290.00676, F.S.; extending the deadline for requests to amend rural enterprise zone boundaries; creating s. 290.00679, F.S.; authorizing the amendment of the boundaries of certain rural enterprise zones after recommendation of Enterprise Florida, Inc., and upon recommendation of the local development agency; creating s. 290.00684, F.S.; authorizing Escambia County to apply to the Office of Tourism, Trade, and Economic Development for designation of one enterprise zone, notwithstanding certain limitations; providing requirements with respect thereto;

Pursuant to Rule 4.19, **SB 2164** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Geller—

SB 252—A bill to be entitled An act relating to public records; amending s. 252.943, F.S., which provides an exemption from public-records requirements for information that is held by the Department of Community Affairs as part of a risk management plan or obtained as part of an investigation, inspection, or audit and that constitutes a trade secret; clarifying provisions specifying the information that is entitled to protection as a trade secret; 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.

An amendment was considered and adopted to conform **SB 252** to **HB 1027**.

Pending further consideration of **SB 252** as amended, on motion by Senator Geller, by two-thirds vote **HB 1027** was withdrawn from the Committees on Comprehensive Planning; Natural Resources; Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator Geller—

HB 1027—A bill to be entitled An act relating to a public records exemption for certain records, reports, or information containing trade secret information held by the Department of Community Affairs; amending s. 252.943, F.S., relating to the exemptions from public records requirements for specified records, reports, or information contained in a risk management plan required pursuant to, and obtained from an investigation, inspection, or audit under, the Florida Accidental Release Prevention and Risk Management Planning Act, to remove the October 2, 2003, repeal thereof scheduled pursuant to the Open Government Sunset Review Act of 1995; making editorial changes; providing clarifying language; providing an effective date.

—a companion measure, was substituted for **SB 252** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 1027** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bennett—

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.

—was read the second time by title.

Senator Peaden moved the following amendment:

Amendment 1 (815316)(with title amendment)—On page 5, lines 8-22, delete those lines and insert:

Section 4. Subsections (5), (7), (8), and (12) of section 400.147, Florida Statutes, are amended to read:

400.147 Internal risk management and quality assurance program.—

(5) For purposes of reporting to the agency under this section, the term “adverse incident” means:

(a) An event over which facility personnel could exercise control and which is associated in whole or in part with the facility’s intervention, rather than the condition for which such intervention occurred, and which results in one of the following:

1. Death;
2. Brain or spinal damage;
3. Permanent disfigurement;
4. Fracture or dislocation of bones or joints;
5. A limitation of neurological, physical, or sensory function;

6. Any condition that required medical attention to which the resident has not given his or her informed consent, including failure to honor advanced directives; or

7. Any condition that required the transfer of the resident, within or outside the facility, to a unit providing a more acute level of care due to the adverse incident, rather than the resident’s condition prior to the adverse incident;

(b) Abuse, neglect, or exploitation as defined in s. 415.102;

(c) Abuse, neglect and harm as defined in s. 39.01;

(d) Resident elopement; or

(e) An event that is reported to law enforcement *for investigation*.

(7) ~~The facility shall initiate an investigation and shall notify the agency within 1 business day after the risk manager or his or her designee has received a report pursuant to paragraph (1)(d). The notification must be made in writing and be provided electronically, by facsimile device or overnight mail delivery. The notification must include information regarding the identity of the affected resident, the type of adverse incident, the initiation of an investigation by the facility, and whether the events causing or resulting in the adverse incident represent a potential risk to any other resident. The notification is confidential as provided by law and is not discoverable or admissible in any civil or administrative action, except in disciplinary proceedings by the agency or the appropriate regulatory board. The agency may investigate, as it deems appropriate, any such incident and prescribe measures that must or may be taken in response to the incident. The agency shall review each incident and determine whether it potentially involved conduct by the health care professional who is subject to disciplinary action, in which case the provisions of s. 456.073 shall apply.~~

(8)(a) Each facility shall complete the investigation and submit an adverse incident report to the agency for each adverse incident within 15 calendar days after its occurrence. If, after a complete investigation, the risk manager determines that the incident was not an adverse incident as defined in subsection (5), the facility shall include this information in the report. The agency shall develop a form for reporting this information.

(b) The information reported to the agency pursuant to paragraph (a) which relates to persons licensed under chapter 458, chapter 459, chapter 461, or chapter 466 shall be reviewed by the agency. The agency shall determine whether any of the incidents potentially involved conduct by a health care professional who is subject to disciplinary action, in which case the provisions of s. 456.073 shall apply.

(c) The report submitted to the agency must also contain the name of the risk manager of the facility.

(d) The adverse incident report is confidential as provided by law and is not discoverable or admissible in any civil or administrative action, except in disciplinary proceedings by the agency or the appropriate regulatory board.

(12) If the agency, through its receipt of the adverse incident reports ~~prescribed in subsection (7)~~, or through any investigation, has a reasonable belief that conduct by a staff member or employee of a facility is grounds for disciplinary action by the appropriate regulatory board, the agency shall report this fact to the regulatory board. *The agency must use the 15-day report to fulfill this reporting requirement. This subsection does not require dual reporting nor additional, new documentation and reporting by the facility to the appropriate regulatory board.*

And the title is amended as follows:

On page 1, lines 25-28, delete those lines and insert: actions; amending s. 400.147, F.S.; amending the definition of the term "adverse incident"; deleting provisions requiring the facility to provide notice of an investigation to the Agency for Health Care Administration; revising requirements for a facility's report to the agency on adverse incidents; providing guidelines for the agency's report to a regulatory board that the agency has a reasonable belief that there are grounds for regulatory action; amending s. 400.211, F.S.; revising

MOTION

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

Senator Campbell moved the following amendments to **Amendment 1** which were adopted:

Amendment 1A (304322)(with title amendment)—On page 2, between lines 16 and 17, insert:

(7) All incident reports as defined in CFR 483.13 shall be filed immediately with the appropriate agencies.

And the title is amended as follows:

On page 4, line 14, after the semicolon (;) insert: requiring certain incident reports to be filed;

Amendment 1B (795388)—On page 4, line 2, delete "15-day" and insert: 5-day

Amendment 1 as amended was adopted.

Senator Bennett moved the following amendment:

Amendment 2 (435458)(with title amendment)—On page 6, line 23 through page 16, line 12, delete those lines and insert:

Section 6. Subsection (17) of section 408.032, Florida Statutes, is amended to read:

408.032 Definitions relating to Health Facility and Services Development Act.—As used in ss. 408.031-408.045, the term:

(17) "Tertiary health service" means a health service which, due to its high level of intensity, complexity, specialized or limited applicability, and cost, should be limited to, and concentrated in, a limited number of hospitals to ensure the quality, availability, and cost-effectiveness of such service. Examples of such service include, but are not limited to, organ transplantation, *adult and pediatric open heart surgery*, specialty burn units, neonatal intensive care units, comprehensive rehabilitation, and medical or surgical services which are experimental or developmental in nature to the extent that the provision of such services is not yet contemplated within the commonly accepted course of diagnosis or treatment for the condition addressed by a given service. The agency shall establish by rule a list of all tertiary health services.

Section 7. Paragraph (g) is added to subsection (2) of section 408.033, Florida Statutes, to read:

408.033 Local and state health planning.—

(2) FUNDING.—

(g) Effective July 1, 2003, funding for the local health councils shall be at the level provided on July 1, 2002.

Section 8. Subsection (5) of section 408.034, Florida Statutes, is amended to read:

408.034 Duties and responsibilities of agency; rules.—

(5) The agency shall establish by rule a nursing-home-bed-need methodology that *has a goal of maintaining a district average occupancy rate of 94 percent and that* reduces the community nursing home bed need for the areas of the state where the agency establishes pilot community diversion programs through the Title XIX aging waiver program.

Section 9. Section 408.036, Florida Statutes, is amended to read:

408.036 Projects subject to review; exemptions.—

(1) **APPLICABILITY.**—Unless exempt under subsection (3), all health-care-related projects, as described in paragraphs (a)-(h), are subject to review and must file an application for a certificate of need with the agency. The agency is exclusively responsible for determining whether a health-care-related project is subject to review under ss. 408.031-408.045.

(a) The addition of beds by new construction or alteration.

(b) The new construction or establishment of additional health care facilities, including a replacement health care facility when the proposed project site is not located on the same site as the existing health care facility.

(c) The conversion from one type of health care facility to another.

(d) An increase in the total licensed bed capacity of a health care facility.

(e) The establishment of a hospice or hospice inpatient facility, except as provided in s. 408.043.

(f) The establishment of inpatient health services by a health care facility, or a substantial change in such services.

(g) An increase in the number of beds for acute care, nursing home care beds, specialty burn units, neonatal intensive care units, comprehensive rehabilitation, mental health services, or hospital-based distinct part skilled nursing units, or at a long-term care hospital.

(h) The establishment of tertiary health services.

(2) **PROJECTS SUBJECT TO EXPEDITED REVIEW.**—Unless exempt pursuant to subsection (3), projects subject to an expedited review shall include, but not be limited to:

(a) Research, education, and training programs.

~~(b) Shared services contracts or projects.~~

~~(b)(e)~~ A transfer of a certificate of need, *except when an existing hospital is acquired by a purchaser, in which case all pending certificates of need filed by the existing hospital and all approved certificates of need owned by that hospital would be acquired by the purchaser.*

~~(c)(d)~~ A 50-percent increase in nursing home beds for a facility incorporated and operating in this state for at least 60 years on or before July 1, 1988, which has a licensed nursing home facility located on a campus providing a variety of residential settings and supportive services. The increased nursing home beds shall be for the exclusive use of the campus residents. ~~Any application on behalf of an applicant meeting this requirement shall be subject to the base fee of \$5,000 provided in s. 408.038.~~

~~(d)(e)~~ Replacement of a health care facility when the proposed project site is located in the same district and within a 1-mile radius of the replaced health care facility.

~~(e)(f)~~ The conversion of mental health services beds licensed under chapter 395 ~~or hospital-based distinct part skilled nursing unit beds to general acute care beds; the conversion of mental health services beds between or among the licensed bed categories defined as beds for mental~~

health services; or the conversion of general acute care beds to beds for mental health services.

1. Conversion under this paragraph shall not establish a new licensed bed category at the hospital but shall apply only to categories of beds licensed at that hospital.

2. Beds converted under this paragraph must be licensed and operational for at least 12 months before the hospital may apply for additional conversion affecting beds of the same type.

(f) *Replacement of a nursing home within the same district, provided the proposed project site is located within a geographic area that contains at least 65 percent of the facility's current residents and is within a 30-mile radius of the replaced nursing home.*

(g) *Relocation of a portion of a nursing home's licensed beds to a replacement facility within the same district, provided the relocation is within a 30-mile radius of the existing facility and the total number of nursing home beds in the district does not increase.*

The agency shall develop rules to implement the provisions for expedited review, including time schedule, application content which may be reduced from the full requirements of s. 408.037(1), and application processing.

(3) EXEMPTIONS.—Upon request, the following projects are subject to exemption from the provisions of subsection (1):

(a) For replacement of a licensed health care facility on the same site, provided that the number of beds in each licensed bed category will not increase.

(b) For hospice services or for swing beds in a rural hospital, as defined in s. 395.602, in a number that does not exceed one-half of its licensed beds.

(c) For the conversion of licensed acute care hospital beds to Medicare and Medicaid certified skilled nursing beds in a rural hospital, as defined in s. 395.602, so long as the conversion of the beds does not involve the construction of new facilities. The total number of skilled nursing beds, including swing beds, may not exceed one-half of the total number of licensed beds in the rural hospital as of July 1, 1993. Certified skilled nursing beds designated under this paragraph, excluding swing beds, shall be included in the community nursing home bed inventory. A rural hospital which subsequently decertifies any acute care beds exempted under this paragraph shall notify the agency of the decertification, and the agency shall adjust the community nursing home bed inventory accordingly.

(d) For the addition of nursing home beds at a skilled nursing facility that is part of a retirement community that provides a variety of residential settings and supportive services and that has been incorporated and operated in this state for at least 65 years on or before July 1, 1994. All nursing home beds must not be available to the public but must be for the exclusive use of the community residents.

(e) For an increase in the bed capacity of a nursing facility licensed for at least 50 beds as of January 1, 1994, under part II of chapter 400 which is not part of a continuing care facility if, after the increase, the total licensed bed capacity of that facility is not more than 60 beds and if the facility has been continuously licensed since 1950 and has received a superior rating on each of its two most recent licensure surveys.

(f) For an inmate health care facility built by or for the exclusive use of the Department of Corrections as provided in chapter 945. This exemption expires when such facility is converted to other uses.

(g) For the termination of an inpatient health care service, upon 30 days' written notice to the agency.

(h) For the delicensure of beds, upon 30 days' written notice to the agency. A request for exemption submitted under this paragraph must identify the number, the category of beds, and the name of the facility in which the beds to be delicensed are located.

(i) For the provision of adult inpatient diagnostic cardiac catheterization services in a hospital.

1. In addition to any other documentation otherwise required by the agency, a request for an exemption submitted under this paragraph must comply with the following criteria:

a. The applicant must certify it will not provide therapeutic cardiac catheterization pursuant to the grant of the exemption.

b. The applicant must certify it will meet and continuously maintain the minimum licensure requirements adopted by the agency governing such programs pursuant to subparagraph 2.

c. The applicant must certify it will provide a minimum of 2 percent of its services to charity and Medicaid patients.

2. The agency shall adopt licensure requirements by rule which govern the operation of adult inpatient diagnostic cardiac catheterization programs established pursuant to the exemption provided in this paragraph. The rules shall ensure that such programs:

a. Perform only adult inpatient diagnostic cardiac catheterization services authorized by the exemption and will not provide therapeutic cardiac catheterization or any other services not authorized by the exemption.

b. Maintain sufficient appropriate equipment and health personnel to ensure quality and safety.

c. Maintain appropriate times of operation and protocols to ensure availability and appropriate referrals in the event of emergencies.

d. Maintain appropriate program volumes to ensure quality and safety.

e. Provide a minimum of 2 percent of its services to charity and Medicaid patients each year.

3.a. The exemption provided by this paragraph shall not apply unless the agency determines that the program is in compliance with the requirements of subparagraph 1. and that the program will, after beginning operation, continuously comply with the rules adopted pursuant to subparagraph 2. The agency shall monitor such programs to ensure compliance with the requirements of subparagraph 2.

b.(I) The exemption for a program shall expire immediately when the program fails to comply with the rules adopted pursuant to subparagraphs 2.a., b., and c.

(II) Beginning 18 months after a program first begins treating patients, the exemption for a program shall expire when the program fails to comply with the rules adopted pursuant to sub-subparagraphs 2.d. and e.

(III) If the exemption for a program expires pursuant to sub-subparagraph (I) or sub-sub-subparagraph (II), the agency shall not grant an exemption pursuant to this paragraph for an adult inpatient diagnostic cardiac catheterization program located at the same hospital until 2 years following the date of the determination by the agency that the program failed to comply with the rules adopted pursuant to subparagraph 2.

(j) *For the provision of percutaneous coronary intervention for patients presenting with emergency myocardial infarctions in a hospital without an approved adult open heart surgery program. In addition to any other documentation required by the agency, a request for an exemption submitted under this paragraph must comply with the following:*

1. *The applicant must certify that it will meet and continuously maintain the requirements adopted by the agency for the provision of these services. These licensure requirements are to be adopted by rule pursuant to ss. 120.536(1) and 120.54 and are to be consistent with the guidelines published by the American College of Cardiology and the American Heart Association for the provision of percutaneous coronary interventions in hospitals without adult open heart services. At a minimum, the rules shall require the following:*

a. *Cardiologists must be experienced interventionalists who have performed a minimum of 75 interventions within the previous 12 months.*

b. *The hospital must provide a minimum of 36 emergency interventions annually in order to continue to provide the service.*

c. *The hospital must offer sufficient physician, nursing, and laboratory staff to provide the services 24 hours a day, 7 days a week.*

d. *Nursing and technical staff must have demonstrated experience in handling acutely ill patients requiring intervention based on previous experience in dedicated interventional laboratories or surgical centers.*

e. *Cardiac care nursing staff must be adept in hemodynamic monitoring and Intra-aortic Balloon Pump (IABP) management.*

f. *Formalized written transfer agreements must be developed with a hospital with an adult open heart surgery program, and written transport protocols must be in place to ensure safe and efficient transfer of a patient within 60 minutes. Transfer and transport agreements must be reviewed and tested, with appropriate documentation maintained at least every 3 months.*

g. *Hospitals implementing the service must first undertake a training program of 3 to 6 months which includes establishing standards, testing logistics, creating quality assessment and error management practices, and formalizing patient selection criteria.*

2. *The applicant must certify that it will utilize at all times the patient selection criteria for the performance of primary angioplasty at hospitals without adult open heart surgery programs issued by the American College of Cardiology and the American Heart Association. At a minimum, these criteria would provide for the following:*

a. *Avoidance of interventions in hemodynamically stable patients presenting with identified symptoms or medical histories.*

b. *Transfer of patients presenting with a history of coronary disease and clinical presentation of hemodynamic instability.*

3. *The applicant must agree to submit a quarterly report to the agency detailing patient characteristics, treatment, and outcomes for all patients receiving emergency percutaneous coronary interventions pursuant to this paragraph. This report must be submitted within 15 days after the close of each calendar quarter.*

4. *The exemption provided by this paragraph shall not apply unless the agency determines that the hospital has taken all necessary steps to be in compliance with all requirements of this paragraph, including the training program required pursuant to sub-subparagraph 1.g.*

5. *Failure of the hospital to continuously comply with the requirements of sub-subparagraphs 1.c.-f. and subparagraphs 2. and 3. will result in the immediate expiration of this exemption.*

6. *Failure of the hospital to meet the volume requirements of sub-subparagraphs 1.a.-b. within 18 months after the program begins offering the service will result in the immediate expiration of the exemption.*

7. *If the exemption for this service expires pursuant to subparagraph 5. or subparagraph 6., the agency shall not grant another exemption for this service to the same hospital for a period of 2 years and then only upon a showing that the hospital will remain in compliance with the requirements of this paragraph through a demonstration of corrections to the deficiencies which caused expiration of the exemption. Compliance with the requirements of this paragraph includes compliance with the rules adopted pursuant to this paragraph.*

(k)(j) For mobile surgical facilities and related health care services provided under contract with the Department of Corrections or a private correctional facility operating pursuant to chapter 957.

(l)(k) For state veterans' nursing homes operated by or on behalf of the Florida Department of Veterans' Affairs in accordance with part II of chapter 296 for which at least 50 percent of the construction cost is federally funded and for which the Federal Government pays a per diem rate not to exceed one-half of the cost of the veterans' care in such state nursing homes. These beds shall not be included in the nursing home bed inventory.

(m)(l) For combination within one nursing home facility of the beds or services authorized by two or more certificates of need issued in the same planning subdistrict. An exemption granted under this paragraph shall extend the validity period of the certificates of need to be consolidated by the length of the period beginning upon submission of the

exemption request and ending with issuance of the exemption. The longest validity period among the certificates shall be applicable to each of the combined certificates.

(n)(m) For division into two or more nursing home facilities of beds or services authorized by one certificate of need issued in the same planning subdistrict. An exemption granted under this paragraph shall extend the validity period of the certificate of need to be divided by the length of the period beginning upon submission of the exemption request and ending with issuance of the exemption.

(o)(n) For the addition of hospital beds licensed under chapter 395 for acute care, ~~mental health services~~, or a hospital-based distinct part skilled nursing unit in a number that may not exceed 10 total beds or 10 percent of the licensed capacity of the bed category being expanded, whichever is greater; *for the addition of medical rehabilitation beds licensed under chapter 395 in a number that may not exceed eight total beds or 10 percent of capacity, whichever is greater; or for the addition of mental health services beds licensed under chapter 395 in a number that may not exceed 10 total beds or 10 percent of the licensed capacity of the bed category being expanded, whichever is greater.* Beds for specialty burn units or; neonatal intensive care units, ~~or comprehensive rehabilitation~~, or at a long-term care hospital, may not be increased under this paragraph.

1. In addition to any other documentation otherwise required by the agency, a request for exemption submitted under this paragraph must:

a. Certify that the prior 12-month average occupancy rate for the category of licensed beds being expanded at the facility meets or exceeds 75 ~~80~~ percent or, for a hospital-based distinct part skilled nursing unit, the prior 12-month average occupancy rate meets or exceeds 96 percent or, *for medical rehabilitation beds, the prior 12-month average occupancy meets or exceeds 90 percent.*

b. Certify that any beds of the same type authorized for the facility under this paragraph before the date of the current request for an exemption have been licensed and operational for at least 12 months.

2. The timeframes and monitoring process specified in s. 408.040(2)(a)-(c) apply to any exemption issued under this paragraph.

3. The agency shall count beds authorized under this paragraph as approved beds in the published inventory of hospital beds until the beds are licensed.

(p)(o) For the addition of acute care beds, as authorized by rule consistent with s. 395.003(4), in a number that may not exceed 30 ~~40~~ total beds or 10 percent of licensed bed capacity, whichever is greater, for temporary beds in a hospital that has experienced high seasonal occupancy within the prior 12-month period or in a hospital that must respond to emergency circumstances.

(q)(p) For the addition of nursing home beds licensed under chapter 400 in a number not exceeding 10 total beds or 10 percent of the number of beds licensed in the facility being expanded, whichever is greater.

1. In addition to any other documentation required by the agency, a request for exemption submitted under this paragraph must:

a. ~~Effective until June 30, 2001,~~ Certify that the facility has not had any class I or class II deficiencies within the 30 months preceding the request for addition.

b. ~~Effective on July 1, 2001, certify that the facility has been designated as a Gold Seal nursing home under s. 400.235.~~

b.e. Certify that the prior 12-month average occupancy rate for the nursing home beds at the facility meets or exceeds 96 percent.

e.d. Certify that any beds authorized for the facility under this paragraph before the date of the current request for an exemption have been licensed and operational for at least 12 months.

2. The timeframes and monitoring process specified in s. 408.040(2)(a)-(c) apply to any exemption issued under this paragraph.

3. The agency shall count beds authorized under this paragraph as approved beds in the published inventory of nursing home beds until the beds are licensed.

(q) ~~For establishment of a specialty hospital offering a range of medical service restricted to a defined age or gender group of the population or a restricted range of services appropriate to the diagnosis, care, and treatment of patients with specific categories of medical illnesses or disorders, through the transfer of beds and services from an existing hospital in the same county.~~

(r) For the conversion of hospital-based Medicare and Medicaid certified skilled nursing beds to acute care beds, if the conversion does not involve the construction of new facilities.

(s) ~~For the replacement of a statutory rural hospital when the proposed project site is located in the same district and within 10 miles of the existing facility and within the current primary service area, defined as the least number of zip codes comprising 75 percent of the hospital's inpatient admissions. For fiscal year 2001-2002 only, for transfer by a health care system of existing services and not more than 100 licensed and approved beds from a hospital in district 1, subdistrict 1, to another location within the same subdistrict in order to establish a satellite facility that will improve access to outpatient and inpatient care for residents of the district and subdistrict and that will use new medical technologies, including advanced diagnostics, computer-assisted imaging, and telemedicine to improve care. This paragraph is repealed on July 1, 2002.~~

(t) ~~For the conversion of mental health services beds between or among the licensed bed categories defined as beds for mental health services.~~

(u) ~~For the creation of at least a 10-bed Level II neonatal intensive care unit upon demonstrating to the agency that the applicant hospital had a minimum of 1,500 live births during the previous 12 months.~~

(v) ~~For the addition of Level II or Level III neonatal intensive care beds in a number not to exceed six beds or 10 percent of licensed capacity in that category, whichever is greater, provided that the hospital certifies that the prior 12-month average occupancy rate for the category of licensed neonatal intensive care beds meets or exceeds 75 percent.~~

(w) ~~For replacement of a licensed nursing home on the same site, or within 3 miles of the same site, provided the number of licensed beds does not increase.~~

(x) ~~For consolidation or combination of licensed nursing homes or transfer of beds between licensed nursing homes within the same district, by providers that operate multiple nursing homes within that district, provided there is no increase in the district total of nursing home beds and the relocation does not exceed 30 miles from the original location.~~

(4) A request for exemption under subsection (3) may be made at any time and is not subject to the batching requirements of this section. The request shall be supported by such documentation as the agency requires by rule. The agency shall assess a fee of \$250 for each request for exemption submitted under subsection (3).

Section 10. Section 408.038, Florida Statutes, is amended to read:

408.038 Fees.—The agency shall assess fees on certificate-of-need applications. Such fees shall be for the purpose of funding the functions of the local health councils and the activities of the agency and shall be allocated as provided in s. 408.033. The fee shall be determined as follows:

(1) A minimum base fee of \$10,000 ~~\$5,000~~.

(2) In addition to the base fee of \$10,000 ~~\$5,000~~, 0.015 of each dollar of proposed expenditure, except that a fee may not exceed \$50,000 ~~\$22,000~~.

Section 11. Paragraph (e) of subsection (5) and paragraph (c) of subsection (6) of section 408.039, Florida Statutes, are amended to read:

408.039 Review process.—The review process for certificates of need shall be as follows:

(5) ADMINISTRATIVE HEARINGS.—

(e) The agency shall issue its final order within 45 days after receipt of the recommended order. If the agency fails to take action within 45

days, the recommended order of the Division of Administrative Hearings is deemed approved such time, or as otherwise agreed to by the applicant and the agency, the applicant may take appropriate legal action to compel the agency to act. When making a determination on an application for a certificate of need, the agency is specifically exempt from the time limitations provided in s. 120.60(1).

(6) JUDICIAL REVIEW.—

(c) The court, in its discretion, may award reasonable attorney's fees and costs to the prevailing party if the court finds that there was a complete absence of a justiciable issue of law or fact raised by the losing party. If the losing party is a hospital, the court shall order it to pay the reasonable attorney's fees and costs, which shall include fees and costs incurred as a result of the administrative hearing and the judicial appeal, of the prevailing hospital party.

Section 12. Paragraph (c) of subsection (1) of section 408.037, Florida Statutes, is amended to read:

408.037 Application content.—

(1) An application for a certificate of need must contain:

(c) An audited financial statement of the applicant, or an audited financial statement of the parent company if the applicant is included in a parent company's consolidated audit which details each entity separately. In an application submitted by an existing health care facility, health maintenance organization, or hospice, financial condition documentation must include, but need not be limited to, a balance sheet and a profit-and-loss statement of the 2 previous fiscal years' operation.

Section 13. Hospital Statutory and Regulatory Reform Council; legislative intent; creation; membership; duties.—

(1) It is the intent of the Legislature to provide for the protection of the public health and safety in the establishment, construction, maintenance, and operation of hospitals. However, the Legislature further intends that the police power of the state be exercised toward that purpose only to the extent necessary and that regulation remain current with the ever-changing standard of care and not restrict the introduction and use of new medical technologies and procedures.

(2) In order to achieve the purposes expressed in subsection (1), it is necessary that the state establish a mechanism for the ongoing review and updating of laws regulating hospitals. The Hospital Statutory and Regulatory Reform Council is created and located, for administrative purposes only, within the Agency for Health Care Administration. The council shall consist of no more than 15 members, including:

(a) Nine members appointed by the Florida Hospital Association who represent acute care, teaching, specialty, rural, government-owned, for-profit, and not-for-profit hospitals.

(b) Two members appointed by the Governor who represent patients.

(c) Two members appointed by the President of the Senate who represent private businesses that provide health insurance coverage for their employees, one of whom represents small private businesses and one of whom represents large private businesses. As used in this paragraph, the term "private business" does not include an entity licensed under chapter 627, Florida Statutes, or chapter 641, Florida Statutes, or otherwise licensed or authorized to provide health insurance services, either directly or indirectly, in this state.

(d) Two members appointed by the Speaker of the House of Representatives who represent physicians.

(3) Council members shall be appointed to serve 2-year terms and may be reappointed. A member shall serve until his or her successor is appointed. The council shall annually elect from among its members a chair and a vice chair. The council shall meet at least twice a year and shall hold additional meetings as it considers necessary. Members appointed by the Florida Hospital Association may not receive compensation or reimbursement of expenses for their services. Members appointed by the Governor, the President of the Senate, or the Speaker of the House of Representatives may be reimbursed for travel expenses by the agency.

(4) The council, as its first priority, shall review chapters 395 and 408, Florida Statutes, and shall make recommendations to the Legisla-

ture for the repeal of regulatory provisions that are no longer necessary or that fail to promote cost-efficient, high-quality medicine.

(5) The council, as its second priority, shall recommend to the Secretary of Health and the Secretary of Health Care Administration regulatory changes relating to hospital licensure and regulation to assist the Department of Health and the Agency for Health Care Administration in carrying out their duties and to ensure that the intent of the Legislature as expressed in this section is carried out.

(6) In determining whether a statute or rule is appropriate or necessary, the council shall consider whether:

(a) The statute or rule is necessary to prevent substantial harm, which is recognizable and not remote, to the public health, safety, or welfare.

(b) The statute or rule restricts the use of new medical technologies or encourages the implementation of more cost-effective medical procedures.

(c) The statute or rule has an unreasonable effect on job creation or job retention in the state.

(d) The public is or can be effectively protected by other means.

(e) The overall cost-effectiveness and economic effect of the proposed statute or rule, including the indirect costs to consumers, will be favorable.

(f) A lower-cost regulatory alternative to the statute or rule could be adopted.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 31 through page 2, line 13, delete those lines and insert: home facility; amending s. 408.032, F.S.; revising the definition of "tertiary health service" under the Health Facility and Services Development Act; amending s. 408.033, F.S.; providing for the level of funding for local health councils; amending s. 408.034, F.S.; requiring the nursing-home-bed-need methodology established by the Agency for Health Care Administration by rule to include a goal of maintaining a specified district average occupancy rate; amending s. 408.036, F.S., relating to health-care-related projects subject to review for a certificate of need; removing certain projects from and subjection certain projects to expedited review and revising requirements for other projects subject to expedited review; removing the exemption from review for certain projects; revising requirements for certain projects that are exempt from review; exempting certain projects from review; amending s. 408.038, F.S.; increasing fees of the certificate-of-need program; amending s. 408.039, F.S.; providing for approval of recommended orders of the Division of Administrative Hearings when the Agency for Health Care Administration fails to take action on an application for a certificate of need within a specified time period; 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; creating the Hospital Statutory and Regulatory Reform Council; providing legislative intent; providing for membership and duties of the council;

MOTION

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

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

Amendment 2A (202190)—On page 4, delete line 18 and insert: skilled nursing unit beds to general acute care beds; the

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 2** which was adopted:

Amendment 2B (302796)—On page 15, lines 15-17, delete those lines and insert: (t) For the conversion of mental health services beds

licensed under chapter 395 or hospital-based distinct part skilled nursing unit beds to general acute care beds; the conversion of mental health services beds between or among the licensed bed categories defined as beds for mental health services; or the conversion of general acute care beds to beds for mental health services.

1. Conversion under this paragraph does not establish a new licensed bed category at the hospital but applies only to categories of beds licensed at that hospital.

2. Beds converted under this paragraph must be licensed and operational for at least 12 months before the hospital may apply for additional conversion affecting beds of the same type.

MOTION

Senator Bennett moved that the rules be waived to allow consideration of the late filed amendment 520542. The motion failed, therefore the amendment was not considered.

MOTION

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

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

Amendment 2C (043986)(with title amendment)—On page 17, line 19 through page 18, line 1, delete section 12

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 21, lines 24-28, delete those lines and insert: within a specified time period; creating the Hospital

MOTION

Senator Bennett moved that the Senate reconsider the vote by which consideration of amendment 520542 failed. The motion was adopted. The vote was:

Yeas—23

Mr. President	Dawson	Miller
Argenziano	Diaz de la Portilla	Peadar
Atwater	Fasano	Pruitt
Bennett	Garcia	Saunders
Campbell	Haridopolos	Sebesta
Clary	Jones	Siplin
Constantine	Klein	Smith
Crist	Lawson	

Nays—9

Bullard	Geller	Wasserman Schultz
Carlton	Hill	Webster
Cowin	Posey	Wilson

MOTION

On motion by Senator Bennett, the rules were waived to allow the following amendment to be considered.

The vote was:

Yeas—25

Mr. President	Diaz de la Portilla	Miller
Argenziano	Fasano	Peadar
Aronberg	Garcia	Pruitt
Bennett	Geller	Saunders
Bullard	Haridopolos	Sebesta
Campbell	Hill	Siplin
Clary	Jones	Smith
Crist	Klein	
Dawson	Lawson	

Nays—6

Carlton	Posey	Webster
Cowin	Wasserman Schultz	Wilson

Vote after roll call:

Yea—Lynn

Senator Bennett offered the following amendment to **Amendment 2** which was adopted:

Amendment 2D (520542)—On page 16, between lines 6 and 7, insert:

(y)1. *For the provision of adult open-heart services in a hospital located within the boundaries of Palm Beach, Polk, Martin, St. Lucie, and Indian River Counties if the following conditions are met: The exemption must be based upon objective criteria and address and solve the twin problems of geographic and temporal access. A hospital shall be exempt from the certificate-of-need review for the establishment of an open-heart-surgery program when the application for exemption submitted under this paragraph complies with the following criteria:*

a. *The applicant must certify that it will meet and continuously maintain the minimum licensure requirements adopted by the agency governing adult open-heart programs, including the most current guidelines of the American College of Cardiology and American Heart Association Guidelines for Adult Open Heart Programs.*

b. *The applicant must certify that it will maintain sufficient appropriate equipment and health personnel to ensure quality and safety.*

c. *The applicant must certify that it will maintain appropriate times of operation and protocols to ensure availability and appropriate referrals in the event of emergencies.*

d. *The applicant can demonstrate that it is referring 300 or more patients per year from the hospital, including the emergency room, for cardiac services at a hospital with cardiac services, or that the average wait for transfer for 50 percent or more of the cardiac patients exceeds 4 hours.*

e. *The applicant is a general acute care hospital that is in operation for 3 years or more.*

f. *The applicant is performing more than 300 diagnostic cardiac catheterization procedures per year, combined inpatient and outpatient.*

g. *The applicant's payor mix at a minimum reflects the community average for Medicaid, charity care, and self-pay patients or the applicant must certify that it will provide a minimum of 5 percent of Medicaid, charity care, and self-pay to open-heart-surgery patients.*

h. *If the applicant fails to meet the established criteria for open-heart programs or fails to reach 300 surgeries per year by the end of its third year of operation, it must show cause why its exemption should not be revoked.*

2. *By December 31, 2004, and annually thereafter, the Agency for Health Care Administration shall submit a report to the Legislature providing information concerning the number of requests for exemption received under this paragraph and the number of exemptions granted or denied.*

MOTION

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

Senator Saunders moved the following amendments to **Amendment 2** which were adopted:

Amendment 2E (540900)(with title amendment)—On page 18, between lines 1 and 2, insert:

Section 13. *This act shall not preclude review and final agency actions on any certificate of need application that was filed with the Agency for Health Care Administration before the effective date of this act.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 21, line 29, after the semicolon (;) insert: providing for review of an application for a certificate of need pending on the effective date of the act;

Amendment 2F (183736)(with title amendment)—On page 2, lines 7-13, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 20, line 30 through page 21, line 1, delete those lines and insert: Development Act; amending s. 408.034, F.S.;

Amendment 2 as amended was adopted.

RECONSIDERATION OF AMENDMENT

On motion by Senator Campbell, the Senate reconsidered the vote by which **Amendment 1 (815316)** as amended was adopted.

On motion by Senator Campbell, the Senate reconsidered the vote by which **Amendment 1B (795388)** was adopted. **Amendment 1B** was withdrawn. **Amendment 1** as amended was adopted.

Senator Bennett moved the following amendment which was adopted:

Amendment 3 (184560)(with title amendment)—On page 16, between lines 12 and 13, insert:

Section 9. Subsection (26) of section 415.102, Florida Statutes, is amended to read:

415.102 Definitions of terms used in ss. 415.101-415.113.—As used in ss. 415.101-415.113, the term:

(26) "Vulnerable adult" means a person 18 years of age or older whose ability to perform the normal activities of daily living or to provide for his or her own care or protection is impaired due to a *long-term* mental, emotional, physical, or developmental disability or dysfunctioning, or brain damage, or the infirmities of aging.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 13, after the semicolon (;) insert: amending s. 415.102, F.S.; revising the definition of "vulnerable adult" under the Adult Protective Services Act;

Pursuant to Rule 4.19, **CS for CS for SB 1252** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

THE PRESIDENT PRESIDING

Consideration of **CS for SB 1960**, **CS for CS for SB 1626**, **CS for SB 1822** and **CS for SB 724** was deferred.

On motion by Senator Lawson—

CS for SB 626—A bill to be entitled An act relating to the Everglades Forever Act; amending s. 373.4592, F.S.; providing definitions; renaming the Everglades Swim Plan as the Everglades Long-Term Plan; establishing legislative findings and providing legislative intent; providing that revisions to the Long-Term Plan be incorporated into the plan; requiring implementation of the initial phase of the Long-Term Plan; providing for review by the Department of Environmental Protection of certain projects and incremental phosphorus reduction measures; requiring that the initial phase of the Long-Term Plan achieve water quality standards relating to phosphorus criterion in the Everglades Protection Area; providing for the use of ad valorem tax proceeds; providing a schedule for enhancements to the Everglades Construction Project; deleting obsolete provisions; requiring that rules adopting phosphorus criterion include moderating provisions; requiring that permits issued by the department be based on best available phosphorus reduction

technology and include technology-based effluent limitations; providing for computation of the Everglades Agricultural Area privilege tax; implementing the provisions of s. 7(b), Art. II of the State Constitution; providing for the computation of the C-139 agricultural privilege tax; providing permit requirements for long-term compliance permits; repealing s. 3 of chapter 96-412, Laws of Florida; repealing s. 84 of chapter 96-321, Laws of Florida; providing an effective date.

—was read the second time by title.

The Committee on Appropriations recommended the following amendments which were moved by Senator Lawson and adopted:

Amendment 1 (584160)—On page 5, delete line 23 and insert: *earliest practicable date. The Long-Term Plan will be implemented and revised with the planning goal and objective of achieving the phosphorus criterion to be adopted pursuant to subparagraph (4)(e)2. in the Everglades Protection Area at the earliest practicable date, and not based on any planning goal or objective in the Plan that is inconsistent with this section. Revisions to the Long-Term Plan*

Amendment 2 (591578)—On page 6, lines 19-21, delete those lines and insert: *way to ensure that discharges to the Everglades Protection Area are achieving state water quality standards, including phosphorus reduction, to the maximum extent practicable, and are using the*

Amendment 3 (594572)—On page 7, lines 4-7, delete those lines and insert: *the earliest practicable date.*

Amendment 4 (101428)—On page 8, delete line 4 and insert: *Basin for such purposes shall also be used for design,*

Amendment 5 (251748)—On page 22, delete line 18 and insert: *40E-63, Everglades Program, Florida Administrative Code, by*

Amendment 6 (165012)—On page 9, delete line 30 and insert: *3/4 by October 1, 2003; however, the district may modify this schedule to incorporate and accelerate enhancements to STA 3/4 as directed in the Long-Term Plan;*

Senator Lawson moved the following amendment which was adopted:

Amendment 7 (634484)—On page 6, lines 8-13, delete those lines and insert: *The Legislature does not intend for the provisions of this section to diminish commitments made by the State of Florida to restore and maintain water quality in the Everglades Protection Area, including the federal lands in the settlement agreement referenced in paragraph (4)(e).*

Pursuant to Rule 4.19, **CS for SB 626** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Argenziano—

SB 2726—A bill to be entitled An act relating to site rehabilitation of contaminated sites; creating s. 376.30701, F.S.; extending application of risk-based corrective action principles to all contaminated sites resulting from a discharge of pollutants or hazardous substances; providing for contamination cleanup criteria that incorporate risk-based corrective action principles to be adopted by rule; providing clarification that cleanup criteria do not apply to offsite relocation or treatment; providing the conditions under which further rehabilitation may be required; amending s. 199.1055, F.S.; clarifying who may apply for tax credits; clarifying time period for use of tax credits; amending s. 220.1845, F.S.; clarifying who may apply for tax credits; clarifying time period for use of tax credits; allowing taxpayers to claim credit on a consolidated return up to the amount of the consolidated group's tax liability; amending s. 376.30781, F.S.; clarifying who may apply for tax credits; converting tax credit application time period to calendar year; moving application deadline to January 15; clarifying that placeholder applications are prohibited; cross-referencing sections governing transferability of tax credits; eliminating outdated language; providing an effective date.

—was read the second time by title.

The Committee on Natural Resources recommended the following amendment which was moved by Senator Argenziano and adopted:

Amendment 1 (383060)—On page 24, between lines 18 and 19, insert:

(12) ~~A tax credit applicant An owner, operator, or real property owner~~ who receives state-funded site rehabilitation under s. 376.3078(3) for rehabilitation of a drycleaning-solvent-contaminated site is ineligible to receive a tax credit under s. 199.1055 or s. 220.1845 for costs incurred by the ~~tax credit applicant taxpayer~~ in conjunction with the rehabilitation of that site during the same time period that state-administered site rehabilitation was underway.

Senator Argenziano moved the following amendments which were adopted:

Amendment 2 (272326)—On page 6, line 8, after the period (.) insert: *Additional notice concerning the status of natural attenuation processes shall be similarly provided to persons receiving notice pursuant to this paragraph every 5 years.*

Amendment 3 (060276)—On page 9, line 5, after the period (.) insert: *Groundwater resource protection remains the ultimate goal of cleanup, particularly in light of Florida's continued growth and consequent demands for drinking water resources. The Legislature recognizes the need for a protective yet flexible cleanup approach, which risk-based corrective action provides. Only where it is appropriate on a site-specific basis, using the criteria in this paragraph and careful evaluation by the department, shall proposed alternative cleanup target levels be approved.*

Senator Constantine moved the following amendment which was adopted:

Amendment 4 (392110)(with title amendment)—On page 24, between lines 18 and 19, insert:

Section 5. Paragraph (a) of subsection (6) of section 403.087, Florida Statutes, is amended to read:

403.087 Permits; general issuance; denial; revocation; prohibition; penalty.—

(6)(a) The department shall require a processing fee in an amount sufficient, to the greatest extent possible, to cover the costs of reviewing and acting upon any application for a permit or request for site-specific alternative criteria or for an exemption from water quality criteria and to cover the costs of surveillance and other field services and related support activities associated with any permit or plan approval issued pursuant to this chapter. However, when an application is received without the required fee, the department shall acknowledge receipt of the application and shall immediately return the unprocessed application to the applicant and shall take no further action until the application is received with the appropriate fee. The department shall adopt a schedule of fees by rule, subject to the following limitations:

1. The fee for any of the following may not exceed \$32,500:
 - a. Hazardous waste, construction permit.
 - b. Hazardous waste, operation permit.
 - c. Hazardous waste, postclosure permit, or clean closure plan approval.
 - d. *Hazardous waste, corrective action permit.*
2. The permit fee for a Class I injection well construction permit may not exceed \$12,500.
3. The permit fee for any of the following permits may not exceed \$10,000:
 - a. Solid waste, construction permit.
 - b. Solid waste, operation permit.
 - c. Class I injection well, operation permit.
4. The permit fee for any of the following permits may not exceed \$7,500:
 - a. Air pollution, construction permit.

- b. Solid waste, closure permit.
 - c. Drinking water, construction or operation permit.
 - d. Domestic waste residuals, construction or operation permit.
 - e. Industrial waste, operation permit.
 - f. Industrial waste, construction permit.
5. The permit fee for any of the following permits may not exceed \$5,000:
- a. Domestic waste, operation permit.
 - b. Domestic waste, construction permit.
6. The permit fee for any of the following permits may not exceed \$4,000:
- a. Wetlands resource management—(dredge and fill), standard form permit.
 - b. Hazardous waste, research and development permit.
 - c. Air pollution, operation permit, for sources not subject to s. 403.0872.
 - d. Class III injection well, construction, operation, or abandonment permits.
7. The permit fee for Class V injection wells, construction, operation, and abandonment permits may not exceed \$750.
8. The permit fee for any of the following permits may not exceed \$500:
- a. Domestic waste, collection system permits.
 - b. Wetlands resource management—(dredge and fill and mangrove alterations), short permit form.
 - c. Drinking water, distribution system permit.
9. The permit fee for stormwater operation permits may not exceed \$100.
10. The general permit fees for permits that require certification by a registered professional engineer or professional geologist may not exceed \$500. The general permit fee for other permit types may not exceed \$100.
11. The fee for a permit issued pursuant to s. 403.816 is \$5,000, and the fee for any modification of such permit requested by the applicant is \$1,000.
12. The regulatory program and surveillance fees for facilities permitted pursuant to s. 403.088 or s. 403.0885, or for facilities permitted pursuant to s. 402 of the Clean Water Act, as amended, 33 U.S.C. ss. 1251 et seq., and for which the department has been granted administrative authority, shall be limited as follows:
- a. The fees for domestic wastewater facilities shall not exceed \$7,500 annually. The department shall establish a sliding scale of fees based on the permitted capacity and shall ensure smaller domestic waste dischargers do not bear an inordinate share of costs of the program.
 - b. The annual fees for industrial waste facilities shall not exceed \$11,500. The department shall establish a sliding scale of fees based upon the volume, concentration, or nature of the industrial waste discharge and shall ensure smaller industrial waste dischargers do not bear an inordinate share of costs of the program.
 - c. The department may establish a fee, not to exceed the amounts in subparagraphs 4. and 5., to cover additional costs of review required for permit modification or construction engineering plans.

Section 6. Subsection (1) of section 403.722, Florida Statutes, is amended to read:

403.722 Permits; hazardous waste disposal, storage, and treatment facilities.—

(1) Each person who intends to construct, modify, operate, or close a hazardous waste disposal, storage, or treatment facility ~~must shall~~ obtain a construction permit, operation permit, postclosure permit, ~~or~~ clean closure plan approval, ~~or corrective action permit~~ from the department prior to constructing, modifying, operating, or closing the facility. By rule, the department may provide for the issuance of a single permit instead of any two or more hazardous waste facility permits.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 30, after the semicolon (;) insert: amending s. 403.087, F.S.; adding hazardous waste, corrective action permits to a list of approvals; amending s. 403.722, F.S.; adding a “corrective action permit” to a list of approvals;

Pursuant to Rule 4.19, **SB 2726** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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

BILLS ON THIRD READING

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 third time by title.

MOTION

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

Senators Jones, Lawson, Dockery and Constantine offered the following amendments which were moved by Senator Jones and adopted by two-thirds vote:

Amendment 1 (393548)(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 as applied to sites utilizing the provisions of s. 378.3078(3) and (11)~~, 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

Amendment 2 (105544)(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 real property owner, nearby real property owner, or 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 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)(i) 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)(j) 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)(k) 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)(l) 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)(m) If funding for the drycleaning contamination rehabilitation program is eliminated, the provisions of this subsection shall not apply.

(o)(n)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) ~~(f)~~.

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)(e)~~ 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)(f)~~ 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)(g)~~ 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 *initiates* ~~conducts~~ such site rehabilitation, whether commenced before or on or after October 1, 1995, shall *upon initiation of such site rehabilitation* be immune from ~~and have no~~ liability for

claims of any person, 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 ~~to~~ 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

On motion by Senator Jones, **CS for SB 956** 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	Jones	Villalobos
Clary	Klein	Wasserman Schultz
Constantine	Lawson	Webster
Cowin	Lee	Wilson
Crist	Lynn	Wise

Nays—None

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Campbell, by two-thirds vote **SB 130**, **SB 674**, **SB 678** and **SB 74** were withdrawn from the committees of reference and further consideration.

On motion by Senator Crist, by two-thirds vote **SB 2246** was withdrawn from the committees of reference and further consideration.

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 15 minutes after recess this day.

MOTIONS

On motion by Senator Lee, a deadline of 6:54 p.m. this day was set for filing amendments to the Special Order Calendar and Bills on Third Reading to be considered Monday, April 28.

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 Monday, April 28.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Friday, April 25, 2003: CS for SB 2296, CS for SB 1500, SB 228, CS for CS for SB 1492, CS for CS for SB 1286, CS for SB 726, SB 278, SB 330, CS for CS for SB 1020, CS for SB 1126, CS for CS for SB 1138, CS for SB 2020, SB 2136, SB 2406, CS for SB 2456, CS for SB 2526, SB 2726, CS for SB 1928, SB 1840, SB 2318, CS for SB 1464, SB 1446, CS for CS for SB 1454, SB 254, SB 256, SB 158, CS for SB 638, CS for SB 438, CS for SB 684, CS for SB 1044, CS for CS for SB 1448, CS for SB 1664, SB 1808, CS for SB 1588, CS for SB 1954, CS for CS for SB 2312, CS for SB 2046, CS for SB 1910, SB 2700, CS for CS for SB 1318, CS for SB 1410, SB 1440, CS for SB 1442, SB 2164, SB 252, CS for CS for SB 1252, CS for SB 1960, CS for CS for SB 1626, CS for SB 1822, CS for SB 724, CS for SB 626

Respectfully submitted,
Tom Lee, Chair

COMMITTEE SUBSTITUTES

FIRST READING

By the Committees on Appropriations; Commerce, Economic Opportunities, and Consumer Services; Children and Families; and Senator Lynn—

CS for CS for CS for SB 194—A bill to be entitled An act relating to child care facilities; amending s. 402.3055, F.S.; requiring a signed affidavit attesting to the accuracy of certain information provided by an applicant for a child care facility license; amending s. 402.310, F.S.;

requiring the Department of Children and Family Services to establish and impose uniform penalties relating to child care facility violations; requiring implementation not contingent upon an appropriation; creating s. 402.3105, F.S.; requiring the department to establish a database of information relating to violations, citations, and penalties imposed against child care facilities regulated by the state; requiring the Department of Children and Family Services to consult and meet the requirements of the State Technology Office; specifying database capabilities and uses of information contained therein; requiring implementation not contingent upon an appropriation; directing the Department of Children and Family Services to adopt a rule defining child care; providing for the transfer of the Child Care Program from the Department of Children and Family Services to the Department of Health; providing effective dates.

By the Committees on Appropriations; Health, Aging, and Long-Term Care; and Senator Fasano—

CS for CS for SB 572—A bill to be entitled An act relating to dental licensure examinations; amending s. 466.006, F.S.; allowing certain dental students to take the examination required for practicing dentistry in this state; creating s. 466.0065, F.S.; allowing certain dental students to take regional licensure examinations under specified conditions; restricting the applicability of examination results; requiring approval by the Board of Dentistry and providing prerequisites to such approval; providing an appropriation and authorizing a position; providing an effective date.

By the Committees on Appropriations; Health, Aging, and Long-Term Care; and Senator Saunders—

CS for CS for SB 696—A bill to be entitled An act relating to indigent health care; creating s. 154.317, F.S.; establishing reimbursement procedures and guidelines for the reimbursement of trauma centers by counties; providing for the payment and use of certain funds; providing an effective date.

By the Committee on Appropriations; and Senator Clary—

CS for SB 924—A bill to be entitled An act relating to trust funds; terminating specified trust funds within the Department of Management Services, the Department of Revenue, and the Department of Environmental Protection; providing for the disposition of balances in and revenues of such trust funds; declaring the findings of the Legislature that specified trust funds within the Department of Environmental Protection, the Department of Management Services, and the Department of Revenue are exempt from the termination requirements of s. 19(f), Art. III of the State Constitution; repealing ss. 122.351 and 650.06, F.S., relating to funding by local agencies and the Social Security Contribution Trust Fund; amending ss. 121.011, 121.031, 121.141, 122.26, 122.27, 122.30, 122.35, 650.04, and 650.05, F.S., to conform; providing for payment of certain social security contributions to the Internal Revenue Service rather than the Social Security Contribution Trust Fund; amending s. 607.1901, F.S., relating to the Corporate Tax Administration Trust Fund; to conform; providing for the additional transfers into the General Revenue Fund; amending ss. 253.03 and 895.09, F.S.; repealing the Forfeited Property Trust Fund in the Department of Environmental Protection; amending s. 932.7055, F.S.; to conform; repealing s. 20.2553, F.S.; repealing the Federal Law Enforcement Trust Fund in the Department of Environmental Protection; repealing s. 110.151(7), F.S., relating to the State Employee Child Care Revolving Trust Fund; repealing s. 213.31, F.S.; terminating the Corporation Tax Administration Trust Fund; providing an effective date.

By the Committees on Appropriations; Governmental Oversight and Productivity; and Senator Bennett—

CS for CS for SB 1258—A bill to be entitled An act relating to agency reorganization; transferring the Division of Retirement and its powers, duties, functions, components, and assets from the Department of Management Services to the State Board of Administration; amending s.

110.205, F.S.; providing status of division personnel under the Career Service System; amending ss. 20.22, 20.28, 112.05, 112.3173, 112.352, 112.354, 112.356, 112.358, 112.361, 112.362, 112.363, 112.625, 112.63, 112.64, 112.658, 112.661, 112.665, 121.021, 121.025, 121.031, 121.051, 121.0511, 121.0515, 121.052, 121.055, 121.081, 121.085, 121.091, 121.095, 121.101, 121.111, 121.133, 121.135, 121.136, 121.1815, 121.1905, 121.192, 121.193, 121.22, 121.23, 121.24, 121.30, 121.35, 121.40, 121.45, 121.4501, 121.403, 121.591, 121.5911, 121.72, 121.73, 121.74, 175.032, 175.121, 175.1215, 175.341, 185.02, 185.10, 185.105, 185.23, 215.20, 215.28, 215.44, 215.50, 215.52, 238.01, 238.02, 238.03, 238.05, 238.07, 238.08, 238.09, 238.10, 238.11, 238.12, 238.14, 238.15, 238.171, 238.181, 238.32, 650.02, 650.06, 122.02, 122.03, 122.05, 122.06, 122.07, 122.08, 122.09, 122.10, 122.12, 122.13, 122.15, 122.16, 122.23, 122.30, 122.34, 122.351, F.S., to conform to such transfer; providing duties of the Department of Financial Services with respect to issuing benefit payments under retirement plans; providing an effective date.

By the Committees on Appropriations; Governmental Oversight and Productivity; and Senators Garcia and Villalobos—

CS for CS for SB 1434—A bill to be entitled An act relating to public libraries; amending s. 257.17, F.S.; authorizing municipalities to receive operating grants; establishing minimum standards for receipt of funds; removing minimum population requirement for municipalities to be eligible to receive funds; amending s. 257.191, F.S.; revising provisions relating to construction grants; amending s. 257.22, F.S.; permitting eligible political subdivisions to receive warrants; amending s. 257.23, F.S.; requiring certification of annual tax income by a specified date; clarifying authority with regard to applications for grants; repealing s. 257.19, F.S., relating to library construction grants; amending s. 257.261, F.S.; revising provisions relating to confidentiality of public library registration and circulation records to authorize disclosure of information to the parent or guardian of a library patron under age 16, for the purpose of collecting fines or recovering overdue books or other materials; providing an effective date.

By the Committees on Appropriations; Commerce, Economic Opportunities, and Consumer Services; and Senators Saunders and Wilson—

CS for CS for SB 1756—A bill to be entitled An act relating to economic development; amending s. 288.125, F.S.; expanding applicability of the definition of the term “entertainment industry”; creating s. 288.1254, F.S.; creating a program under which certain persons producing, or providing services for the production of, filmed entertainment are eligible for state financial incentives for activities in or relocated to this state; prescribing powers and duties of the Office of Tourism, Trade, and Economic Development and the Office of Film and Entertainment with respect to the program; defining terms; providing an application procedure and approval process; prescribing limits on reimbursement; requiring documentation for requested reimbursement; providing for policies and procedures; providing penalties for fraudulent claims for reimbursement; requiring a report; providing that funding is subject to appropriation; providing an effective date.

By the Committee on Appropriations; and Senators Constantine and Webster—

CS for SB 1956—A bill to be entitled An act relating to growth management; amending s. 369.301, F.S.; changing the short title; creating s. 369.3011, F.S.; providing for a short title; providing legislative intent; providing definitions; providing for the designation of the Wekiva River Springshed Protection Area; creating comprehensive plan requirements for the area; creating an integrated planning area for the Wekiva River Basin; creating comprehensive plan requirements for transportation, land use, and water resource in the basin; creating transportation requirements for road construction in the basin; providing for planning assistance by the Department of Community Affairs; describing duties of the Department of Agriculture and Consumer Services for the creation of best-management practices; amending s. 163.3187, F.S.; exempting comprehensive plan amendments created by this act from the statutory limit of two amendments per year; creating s. 373.0425, F.S.; providing for rulemaking authority for the St. Johns River Water Management District as it relates to implementing the provisions of this act;

creating s. 381.0069, F.S.; directing the Department of Health to develop a program for the improvement of certain wastewater treatment systems in the Wekiva River Springshed Protection Area; amending s. 373.139, F.S.; encouraging the St. Johns River Water Management District to pursue land acquisition within the Wekiva Basin; amending s. 369.307, F.S.; encouraging all agencies to pursue acquisitions within the Wekiva-Ocala Greenway Florida Forever project or other additional lands in the springs recharge area; providing for the repeal of this act; providing an effective date.

By the Committees on Appropriations; Health, Aging, and Long-Term Care; and Senator Saunders—

CS for CS for SB 2738—A bill to be entitled An act relating to public health; amending s. 17.41, F.S.; providing for funds from the tobacco settlement to be transferred to the Biomedical Trust Fund within the Department of Health Services and Community Health Resources and the Division of Health Awareness and Tobacco; amending s. 20.43, F.S.; establishing the Division of Disability Determinations within the Department of Health and renaming the Division of Emergency Medical Services and Community Health Resources and the Division of Health Awareness and Tobacco; amending s. 154.01, F.S.; providing for environmental health services to include investigations of elevated blood lead levels; authorizing the expenditure of funds for such investigations; creating s. 216.342, F.S.; authorizing the expenditure of funds in the United States Trust Fund for the operation of the Division of Disability Determinations; amending s. 381.0011, F.S.; revising duties of the department with respect to injury prevention and control; amending s. 381.004, F.S.; revising requirements for the release of HIV test results; amending s. 381.0065, F.S., relating to onsite sewage treatment and disposal systems; clarifying a definition; deleting obsolete provisions; amending s. 381.0066, F.S.; deleting a limitation on the period for imposing a fee on new sewage system construction; amending s. 381.0072, F.S.; clarifying provisions governing the authority of the department to adopt and enforce sanitation rules; creating s. 381.104, F.S.; authorizing state agencies to establish employee health and wellness programs; providing requirements for the programs; requiring the use of an employee health and wellness activity agreement form; requiring an evaluation and improvement process for the program; requiring the department to provide model program guidelines; creating s. 381.86, F.S.; creating the Review Council for Human Subjects within the Department of Health; providing duties and membership; providing for reimbursement for per diem and travel expenses; requiring the department to charge for costs incurred by the council for research oversight; providing an exception; requiring the department to adopt rules; amending s. 381.89, F.S.; revising the fees imposed for the licensure of tanning facilities; amending s. 381.90, F.S.; revising the membership of the Health Information Systems Council; revising the date for submitting an annual plan; amending s. 383.14, F.S.; clarifying provisions with respect to the screening of newborns; amending s. 384.25, F.S.; revising requirements for the reporting of sexually transmissible disease; requiring the department to adopt rules; amending s. 385.204, F.S.; revising requirements for the purchase and distribution of insulin by the department; amending s. 391.021, F.S.; redefining the term “children with special health care needs” for purposes of the Children’s Medical Services Act; amending s. 391.025, F.S.; revising applicability and scope of the act; amending s. 391.029, F.S.; revising requirements for program eligibility; amending s. 391.035, F.S.; authorizing the department to contract for services provided under the act; amending s. 391.055, F.S.; requiring the referral of a newborn having a certain abnormal screening result; creating s. 391.309, F.S.; establishing the Florida Infants and Toddlers Early Intervention Program; providing requirements for the department under the program; requiring certain federal waivers; amending s. 394.9151, F.S.; authorizing the Department of Children and Family Services to contract with the Correctional Medical Authority for medical quality assurance assistance at certain facilities; amending s. 395.404, F.S.; revising requirements for reports to the department concerning brain or spinal cord injuries; amending s. 401.113, F.S.; providing for the use of funds generated from interest on certain grant moneys; amending s. 401.211, F.S.; providing legislative intent with respect to a statewide comprehensive injury prevention program; creating s. 401.243, F.S.; providing duties of the department in operating the program; amending s. 401.27, F.S.; authorizing electronically submitted applications for certification or recertification as an emergency medical technician or a paramedic; revising requirements for an insignia identifying such person; requiring the screening of applicants through the Department of Law Enforcement; amend-

ing s. 401.2701, F.S., relating to emergency medical services training programs; requiring that students be notified of certain regulatory and screening requirements; requiring the department to adopt rules; amending s. 401.2715, F.S.; providing for approval of continuing education courses; amending s. 404.056, F.S.; revising requirements for mandatory testing of certain buildings and facilities for radon; amending s. 409.814, F.S.; revising eligibility for certain children to participate in the Healthy Kids program and the Medikids program; amending s. 409.91188, F.S.; authorizing the agency to contract with private or public entities for health care services; amending s. 456.072, F.S.; providing an additional ground for which disciplinary action may be taken; amending s. 456.025, F.S.; revising requirements for tracking continuing education; amending s. 456.055, F.S.; providing requirements for claims for services for chiropractic and podiatric health care; amending ss. 460.406, 463.006, and 467.009, F.S., relating to licensure; conforming provisions to changes made with respect to an accrediting agency; amending s. 468.302, F.S.; authorizing a nuclear medicine technologist to administer certain X radiation; amending ss. 468.509, 468.707, 486.031, and 486.102, F.S., relating to licensure; conforming provisions to changes made with respect to an accrediting agency; amending ss. 489.553 and 489.554, F.S.; revising certification requirements for septic tank contractors; authorizing an inactive registration; amending ss. 490.005 and 491.005, F.S., relating to licensure; conforming provisions to changes made with respect to an accrediting agency; amending s. 499.003, F.S.; redefining the term "compressed medical gas" for purposes of the Florida Drug and Cosmetic Act; amending s. 499.007, F.S.; revising requirements for labeling medicinal drugs; amending s. 499.01, F.S.; authorizing the department to issue a prescription drug manufacturer permit to a nuclear pharmacy that is a health care entity; amending s. 499.0121, F.S.; providing requirements for retaining inventories and records; transferring and renumbering s. 501.122, F.S., relating to the control of nonionizing radiations; amending s. 784.081, F.S.; providing for the reclassification of the offense of assault or battery if committed on an employee of the Department of Health or upon a direct services provider of the department; creating s. 945.6038, F.S.; authorizing the Correctional Medical Authority to contract with the Department of Children and Family Services to provide assistance in medical quality assurance at certain facilities; creating s. 154.317, F.S.; establishing reimbursement procedures and guidelines for the reimbursement of trauma centers by counties; providing for the payment into the Medicaid Grants and Donations Trust Fund and the use of certain funds; repealing s. 381.85, s. 381.0098(9), s. 385.103(2)(f), ss. 385.205 and 385.209, and s. 445.033(7), F.S.; relating to biomedical and social research, obsolete provisions concerning biomedical waste, rulemaking authority of the department, programs in kidney disease control, dissemination of information on cholesterol health risks, and an exemption for certain evaluations conducted by Workforce Florida, Inc.; providing an effective date.

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 1609; has passed as amended HB 235, HB 465, HB 915 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Quinones and others—

HB 1609—A bill to be entitled An act relating to state planning and budgeting; amending s. 216.023, F.S.; requiring a summary of each state agency and the judicial branch of state government's preceding year's financial data to be submitted annually to the Legislature; providing content requirements of the summary; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Judiciary; Appropriations Subcommittee on General Government; and Appropriations

By Representative Clarke—

HB 235—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.

—was referred to the Committees on Banking and Insurance; and Commerce, Economic Opportunities, and Consumer Services

By Representative Dean and others—

HB 465—A bill to be entitled An act relating to unclaimed court-ordered payments; amending s. 945.31, F.S.; authorizing the Department of Corrections to deposit or transfer into the General Revenue Fund certain overpayments and other payments; repealing s. 960.0025, F.S., relating to the allocation of certain funds from restitution or other court-ordered payments; providing an effective date.

—was referred to the Committees on Criminal Justice; Governmental Oversight and Productivity; Appropriations Subcommittee on Criminal Justice; and Appropriations

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 488, SB 640, SB 1080, CS for SB 1182, CS for CS for SB 1480, SB 1648, and SB 2450.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

ENROLLING REPORTS

SB 160 has been enrolled, signed by the required Constitutional Officers and presented to the Governor on April 25, 2003.

Faye W. Blanton, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 24 was corrected and approved.

CO-SPONSORS

Senators Argenziano—CS for SB 2746; Atwater—CS for SB 1992; Bullard—CS for SB 276, CS for CS for SB 1318; Campbell—CS for CS for SB 2312; Cowin—SR 2848; Dawson—CS for CS for SB 1318; Fasano—CS for SB 1588; Haridopolos—CS for SB 2020, CS for SB 2062; Hill—CS for CS for SB 1318; Lynn—CS for CS for SB 140, SB 2356, SB 2826; Posey—SB 594; Siplin—CS for SB 2558; Wilson—CS for SB 1762, CS for SB 2296, SB 2640; Wise—CS for CS for SB 2654

RECESS

On motion by Senator Lee, the Senate recessed at 5:54 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Monday, April 28 or upon call of the President.