



Journal of the Senate

Number 18—Regular Session

Monday, April 28, 2003

CONTENTS

Bills on Third Reading	651, 660, 673, 696
Call to Order	649, 660
Co-Sponsors	711
House Messages, First Reading	700
Motions	700
Motions Relating to Committee Meetings	700
Motions Relating to Committee Reference	672, 680, 699
Reports of Committees	700
Resolutions	649
Senate Pages	712
Special Guests	653, 696
Special Order Calendar	673, 680, 697
Votes Recorded	712

CALL TO ORDER

The Senate was called to order by President King at 10:00 a.m. A quorum present—40:

Mr. President	Diaz de la Portilla	Peadar Kirby
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 the Rev. Clifford Davis, Wesleyan Community Holiness Church, Belle Glade:

Great God and our Father in Heaven, the All Mighty in whom we live and move and have our being: we come to you this morning being grateful for the many blessings you have bestowed upon us. We thank you for having gathered us together here at this place, at this hour, having guided us all safely from our homes to the sanctity of these hallowed walls. Again, we thank you.

We pray, dear Lord, that you will bless and direct the minds and hearts of all of us in all that we undertake to do in this session and all sessions to follow. We solicit your divine intervention and direction daily as we pray for these leaders' wisdom, knowledge and understanding, that they may be the kind of leaders others want to follow. Lord, our prayer is that you make us one in the unity of mind and spirit. Let us not see ourselves as Democrats or Republicans or Independents, nor let us consider ourselves liberals or conservatives; rather allow us to see ourselves as working together for the common good of the citizenry of this great state. May you, Lord, get the glory out of our lives and our efforts.

Father, we recall your words in II Chronicles 7:13-16:

"If I shut up heaven that there be no rain, or if I command the locusts to devour the land, or if I send pestilence among my people; If my people, which are called by my name, shall humble themselves, and pray, and seek my face, and turn from their wicked ways; then will I hear from heaven, and will forgive their sin, and will heal their land. Now mine eyes shall be open, and mine ears attent unto the prayer that is made in this place. For now have I chosen and sanctified this house, that my name may be there forever: and mine eyes and mine heart shall be there perpetually."

Dear God, we thank you. Help us to love you more and in so doing we will love and respect our fellow men and women. Help us, although we will disagree at times, to arrive at conclusions, which will positively impact our state's citizens. Now, Dear Father, we thank you for hearing our prayer, blessing this session, and directing each individual here to work with excellence and discipline in all our affairs. Guide us all safely back to our various destinations, we pray. Bless our leaders at every level of government, our citizens at every age and, God Bless America. In your precious name, we pray. Amen.

PLEDGE

Senate Pages Elizabeth Anne Webster, daughter of Senator Webster, of Orlando, Ryan Powers, Roy "Ric" Miller IV, son of Senate employee Susan Miller, and Josh Szeliga of Tallahassee, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. David J. Becker of Clearwater, sponsored by Senator Fasano, as doctor of the day. Dr. Becker specializes in Internal Medicine.

ADOPTION OF RESOLUTIONS

On motion by Senator Fasano—

By Senator Fasano—

SR 2732—A resolution recognizing May 2003 as "Florida Osteoporosis-Prevention Month."

WHEREAS, osteoporosis is a debilitating disease that decreases bone mass and causes them to become fragile and more likely to break, and

WHEREAS, osteoporosis afflicts more than 44 million people throughout the nation and costs more than \$17 billion annually in medical care and treatment, and

WHEREAS, by the year 2010, the number of Americans afflicted by osteoporosis is expected to climb to 52 million, and

WHEREAS, more than 2 million Floridians presently suffer from osteoporosis, which causes more than 22,000 hip fractures annually, and

WHEREAS, osteoporosis is a true threat to public health, but can be prevented by eating foods high in calcium, getting plenty of physical exercise, not smoking, and limiting alcohol use, NOW, THEREFORE,

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

That the Florida Senate recognizes May 2003 as "Florida Osteoporosis-Prevention Month."

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the Honorable Jeb Bush,

Governor of the State of Florida, with a request that he declare May 2003 as "Florida Osteoporosis-Prevention Month."

—was introduced out of order and read by title. On motion by Senator Fasano, **SR 2732** was read the second time in full and adopted.

On motion by Senator Saunders—

By Senator Saunders—

SR 166—A resolution commending Valdaishia Wring, who captured first place and set seven national records at the 2002 Fitness Authority National Championship.

WHEREAS, Valdaishia Wring, a seventh-grader at Lee Middle School, achieved a triumphant victory at the second annual Fitness Authority National Championship, held in Miami in August, and

WHEREAS, Valdaishia was one of only 40 athletes, ages 6 to 18, who qualified for the nationals, and

WHEREAS, competing against 13-year-olds, as well as other 12-year-olds, Valdaishia set national records in seven of the 10 events that comprise the competition, and

WHEREAS, to earn the right to compete in Miami, Valdaishia trained 4 days a week for a year at the Lee County Boys & Girls Club, then won a state event and a regional competition in Atlanta, and

WHEREAS, in recognition of her achievement, Valdaishia and her coach received a 2-day, all-expenses-paid trip to the White House, and she heard President George Bush comment on the feats that she and the seven other 2002 Fitness Authority national champions had performed, as well as taking her first plane ride, and

WHEREAS, Valdaishia will again be eligible to compete in the same division at next year's event, and

WHEREAS, the coach who spotted her potential, LeDondrick Rowe, told reporters, "You might be talking to the next Marion Jones. She can run", and

WHEREAS, her outstanding performance and attitude bring honor to her family, her coaches and school, and her community, and

WHEREAS, Valdaishia Wring has set an example for other student athletes to follow in achieving physical fitness, and

WHEREAS, Valdaishia is representative of the importance placed on physical fitness and the fine results achieved by coaches throughout the State of Florida, NOW, THEREFORE,

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

That the Florida Senate recognizes the outstanding feats of Valdaishia Wring, who took first place at the 2002 Fitness Authority National Championship held last August in Miami and set seven national records in the process, and thereby brought honor to this state. The Senate commends 12-year-old Valdaishia for her year-long training effort and for her poise in representing the Lee County Boys & Girls Club at the White House ceremony honoring her and two other Fort Myers residents who placed well in the competition.

BE IT FURTHER RESOLVED that copies of this resolution, with the Seal of the Senate affixed, be presented to Valdaishia Wring and her coach, LeDondrick Rowe, as a token of the sentiments expressed herein.

—was introduced out of order and read by title. On motion by Senator Saunders, **SR 166** was read the second time in full and adopted.

On motion by Senator Bullard—

By Senators Bullard, King, Alexander, Argenziano, Aronberg, Atwater, Campbell, Carlton, Constantine, Cowin, Crist, Dawson, Diaz de la Portilla, Dockery, Fasano, Garcia, Geller, Haridopoulos, Jones, Klein, Lynn, Margolis, Miller, Peaden, Posey, Pruitt, Saunders, Sebesta, Smith, Villalobos, Wasserman Schultz, Webster, Wilson and Wise—

SR 2838—A resolution recognizing Sunday, July 27, 2003, as "Parents' Day" in Florida.

WHEREAS, every child deserves a home with parents who provide strength and security undergirded by love, support, and guidance, and

WHEREAS, although parenting is all too often regarded as mundane, its importance in the life of a child cannot be overemphasized, and

WHEREAS, childrearing holds a place in society that is perhaps unmatched by any other role or vocation to which one might aspire, NOW, THEREFORE,

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

That the Senate pauses in its deliberations to recognize the vital place that parenting holds in the life of a child and in the whole of society and to recognize Sunday, July 27, 2003, as "Parents' Day" in Florida.

BE IT FURTHER RESOLVED that all citizens, organizations, and governmental entities throughout the state are urged to publicly recognize parents in their most worthy role as nurturing rearers of children.

—was introduced out of order and read by title. On motion by Senator Bullard, **SR 2838** was read the second time in full and adopted.

At the request of Senator Fasano—

By Senator Fasano—

SR 486—A resolution recognizing February 6 as Ronald Reagan Day in the State of Florida.

WHEREAS, Ronald Wilson Reagan, a man of humble beginnings, was born in Tampico, Illinois, on February 6, 1911, and worked throughout his life serving the interests of freedom to advance the public good, as soldier, entertainer, union leader, corporate sponsor, Governor of California, and, finally, as President of the United States of America, and

WHEREAS, Mr. Reagan was elected in November, 1980, to serve as the 40th President of the United States for two consecutive 4-year terms, the first of which began January 20, 1981, and the second of which began January 20, 1985, and ended January 20, 1989, and

WHEREAS, when he was reelected in 1984 to serve his second term of office as President of the United States, Mr. Reagan received more than 60 percent of the popular votes cast by the electorate, and 525 of the 538 electoral college votes cast, winning the election in 49 of the 50 states, a record unsurpassed in the history of presidential elections in the United States, and

WHEREAS, when Mr. Reagan was elected to serve his initial term of office as President of the United States, the nation was experiencing rampant inflation and high unemployment, and

WHEREAS, throughout his presidency, Mr. Reagan worked in a bipartisan manner with other leaders in government and in the private sector to develop and implement policies for restoring accountability and common-sense to the operation of government at every level, promoting individual freedom to exercise fundamental human rights, equality of opportunity for all people, economic prosperity, and world peace, and

WHEREAS, Mr. Reagan's development and implementation of policies aimed at ensuring government accountability and stimulation of economic growth resulted in the downsizing and simplification of government operations and in unprecedented increases in economic expansion and prosperity for the citizens of the United States, and

WHEREAS, Mr. Reagan's development and implementation of social policies aimed at establishing and maintaining the well-being of children resulted in lowering the incidence of crime and the use of illicit drugs in our nation's neighborhoods, and

WHEREAS, Mr. Reagan's development and implementation of policies aimed at enhancing and strengthening our systems of defense prepared our armed forces for success in deterring Iraq's invasion of Kuwait and victory in the Gulf War, and

WHEREAS, Mr. Reagan's development and implementation of policies aimed at achieving "peace through strength" precipitated the end of the Cold War, the demise of the Berlin Wall, and normalization of relations among the Soviet Union, the United States, and the rest of the free world, and

WHEREAS, Mr. Reagan's presidential leadership was characterized by development and implementation of policies predicated on the values and principles that guided our forefathers in founding and developing the United States of America as "one nation under God, indivisible, with freedom and justice for all," and

WHEREAS, Mr. Reagan's legacy to our nation and the world is one of outstanding statesmanship exemplary of responsible governance consistent with the precepts of democratic institutions to ensure government accountability, the preeminence of individual freedom to exercise fundamental human rights, equality of opportunity for all people, economic prosperity, and world peace, and

WHEREAS, Mr. Reagan will be 92 years of age on February 6, 2003, NOW, THEREFORE,

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

That the Florida Senate recognizes and observes February 6, 2003, and all subsequent annual anniversaries of this date as "Ronald Reagan Day" in the State of Florida.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Florida Senate affixed, be presented to the Ronald Reagan Legacy Project as a tangible token of the sentiments of the Florida Senate.

—**SR 486** was introduced, read and adopted by publication.

At the request of Senator Fasano—

By Senator Fasano—

SR 2956—A resolution recognizing and commending the creation of the Florida Dialogue on Cancer.

WHEREAS, in Florida during calendar year 2002, there were 92,200 new cases of cancer and 39,900 cancer-related deaths, and

WHEREAS, Florida ranks second among all states in cancer mortality yet ranks only 19th in the receipt of grants and awards from the National Cancer Institute, and

WHEREAS, the expansion of biomedical research in Florida can yield significant benefits to the state's economy since biotechnical and pharmaceutical firms are likely to generate two and one-half times the amount spent to conduct such research in Florida in additional spending, and

WHEREAS, many populations in Florida experience financial and cultural barriers to accessing cancer care and treatment, and

WHEREAS, the opportunity exists to gather the state's leaders from health care, cancer control, government, business, and community-based organizations to address and attempt to resolve Florida's cancer disparities through a public and private nonprofit collaborative partnership, and

WHEREAS, such a collaborative partnership would have a unique opportunity to significantly expand and enhance cancer research and the health care systems that provide access to cancer screening, diagnosis, treatment, and care, and

WHEREAS, the Florida Division of the American Cancer Society is positioned to establish, sponsor, and lead such a collaborative partnership, NOW, THEREFORE,

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

That the Florida Senate recognizes the creation of the Florida Dialogue on Cancer, sponsored by the Florida Division of the American Cancer Society, and commends this bold new statewide initiative to lead Florida to win the fight against cancer.

—**SR 2956** was introduced, read and adopted by publication.

At the request of Senator Miller—

By Senator Miller—

SR 2968—A resolution honoring the life, career, and accomplishments of Robert William Saunders, Sr.

WHEREAS, Robert William Saunders, Sr. referred to as "a trailblazer who never complained about his task," was born in Tampa June 9, 1921, seemingly destined for a life of activism and dedication to the struggle for human and civil rights, and

WHEREAS, a graduate of George S. Middleton High School, Bob Saunders earned an associate of arts degree from Bethune-Cookman College before being drafted into the United States Army, where he served as a sergeant in the Air Corps during World War II before being awarded a bachelor of arts degree at the Detroit Institute of Technology and entering the University of Detroit Law School, and

WHEREAS, Bob Saunders had received his introduction to the NAACP as a newsboy during his school years in Tampa, but not until he left the Florida Sentinel as editor of his own column to join the Cleveland Call and Post at its Cincinnati office did he begin his work with the NAACP, and

WHEREAS, considering himself honored at the opportunity, Bob Saunders served as the Field Secretary of the Florida Chapter of the NAACP during the era of the nation's greatest civil rights gains, having accepted the assignment following the bombing death of his predecessor, Harry T. Moore, a position in which he worked closely with Thurgood Marshall, later the first black United States Supreme Court Justice, and with Medgar Evers, his Mississippi counterpart, who also was assassinated, and

WHEREAS, in 1966, Bob Saunders was appointed by President Lyndon Johnson as Director of Equal Opportunity for the Southeast Region of the Office of Economic Opportunity, and 10 years later returned to Tampa to create the Hillsborough County Office of Equal Opportunity, a program for which he was responsible until his retirement, in 1988, launched him into an energetic period of compiling and cataloging his experiences, an effort crowned by the authoring of his memoirs, "Bridging the Gap," and

WHEREAS, on March 18, 2003, after a fruitful life of service, 81-year-old Robert William Saunders, Sr., succumbed to injuries sustained in an automobile accident, NOW, THEREFORE,

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

That the Florida Senate pauses in its deliberations to recognize and mourn the passing of Robert William Saunders, Sr., and to express its admiration for his many accomplishments as a Civil Rights leader.

—**SR 2968** was introduced, read and adopted by publication.

BILLS ON THIRD READING

On motion by Senator Diaz de la Portilla, by two-thirds vote **HB 721** was withdrawn from the Committees on Banking and Insurance; and Finance and Taxation.

On motion by Senator Diaz de la Portilla, by two-thirds vote—

HB 721—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; requiring certain insurers to be the direct obligor on certain agreements or warranties or issue a contractual liability insurance policy meeting certain requirements; providing for nonapplication of the exemptions under certain circumstances; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2414** and by two-thirds vote read the second time by title. On motion by Senator Diaz de la Portilla, by two-thirds vote **HB 721** was read the

third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

SENATOR MARGOLIS PRESIDING

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; directing the Department of State to adopt uniform rules for machine recounts; 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. 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.; 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.

—as amended April 25 was read the third time by title.

Senator Posey moved the following amendment which failed to receive the required two-thirds vote:

Amendment 1 (792994)(with title amendment)—On page 53, line 2 to page 80, line 2, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 4, line 9, after the first semicolon (;) through page 6, line 16, delete those lines.

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

Amendment 2 (630908)—In title, on page 6, line 14, delete “103.09” and insert: 103.091

On motion by Senator Cowin, **CS for SB 1500** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—29

Argenziano	Dockery	Miller
Aronberg	Fasano	Peaden
Atwater	Garcia	Saunders
Bennett	Geller	Sebesta
Clary	Hill	Siplin
Constantine	Jones	Villalobos
Cowin	Lawson	Wasserman Schultz
Crist	Lee	Wilson
Dawson	Lynn	Wise
Diaz de la Portilla	Margolis	

Nays—3

Haridopolos	Klein	Posey
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Vote after roll call:

Yea—Alexander, Pruitt

Nay—Bullard, Webster

INTRODUCTION OF FORMER SENATOR

The President introduced former Senate President John McKay who was present in the chamber.

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”; amending s. 550.26165, F.S.; revising criteria for making breeders’ awards for racehorses; amending s. 550.2625, F.S.; providing for payment of special racing awards; amending s. 550.5251, F.S.; authorizing a thoroughbred racing permitholder to operate a cardroom; amending s. 849.086, F.S.; redefining the term “authorized game”; providing for certain permitholders to amend the annual application to include operation of a cardroom; providing requirements for a harness permitholder to operate a cardroom; clarifying requirements for the license fee; revising certain restrictions on the hours that a cardroom may be operated; authorizing the cardroom operator to limit the amount wagered; providing certain restrictions with respect to the amount of bets and the number of raises in a round of betting; providing an effective date.

—as amended April 25 was read the third time by title.

Senator Cowin moved the following amendments which failed to receive the required two-thirds vote:

Amendment 1 (912974)(with title amendment)—On page 12, line 19 through page 17, line 4, delete those lines.

And the title is amended as follows:

On page 2, lines 1-13, delete those lines and insert: cardroom; providing an effective

Amendment 2 (353468)(with title amendment)—On page 16, lines 13-20, delete those lines and insert:

(b) The winnings of any player in a single round, hand, or game may not exceed \$10 in value. The fee charged by the cardroom for participation in the game shall not be included in the calculation of the limitation on the pot size provided in this paragraph. *However, if approved by a majority vote of the electorate, the cardroom operators in that county may limit the amount wagered in any game or series of games, but the maximum bet may not exceed \$2 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 may not be included in the calculation of the limitation on the bet amount provided in this paragraph.*

And the title is amended as follows:

On page 2, lines 7-9, delete those lines and insert: requirements for the license fee; providing that the electorate in a county may vote to revise restrictions on the amount of bets and number of raises, subject to statutory caps; authorizing the

Amendment 3 (410104)(with title amendment)—On page 16, lines 13-20, delete those lines and insert:

(b) The winnings of any player in a single round, hand, or game may not exceed \$10 in value. The fee charged by the cardroom for participation in the game shall not be included in the calculation of the limitation on the pot size provided in this paragraph. *However, if approved by a majority vote of the county commission, the cardroom operators in that county may limit the amount wagered in any game or series of games, but the maximum bet may not exceed \$2 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 may not be included in the calculation of the limitation on the bet amount provided in this paragraph.*

And the title is amended as follows:

On page 2, lines 7-9, delete those lines and insert: requirements for the license fee; providing that the county commission in a county may vote to revise restrictions on the amount of bets and number of raises, subject to statutory caps; authorizing the

On motion by Senator Wasserman Schultz, **SB 228** as amended was passed and then certified to the House. The vote on passage was:

Yeas—31

Alexander	Garcia	Posey
Argenziano	Geller	Pruitt
Aronberg	Haridopolos	Saunders
Atwater	Hill	Sebesta
Bennett	Jones	Siplin
Bullard	Klein	Smith
Campbell	Lawson	Villalobos
Carlton	Lee	Wasserman Schultz
Clary	Lynn	Wilson
Dawson	Margolis	
Diaz de la Portilla	Miller	

Nays—5

Cowin	Peaden	Wise
Crist	Webster	

Vote after roll call:

Yea—Dockery, Fasano

Yea to Nay—Clary

Consideration of **CS for CS for SB 1492** was deferred.

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.

—as amended April 25 was read the third time by title.

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

Amendment 1 (983292)—On page 9, line 30 through page 10, line 2, delete those lines and insert: *PROFESSIONALS. THERE ARE STRICT DEADLINES AND PROCEDURES UNDER FLORIDA LAW.*

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 by two-thirds vote:

Amendment 2 (591636)—On page 10, lines 1 and 2, delete those lines and insert: *FLORIDA LAW.*

On motion by Senator Bennett, **CS for CS for SB 1286** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

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

Nays—1

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 third time by title.

On motion by Senator Fasano, **CS for SB 726** 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	Margolis
Bennett	Fasano	Miller
Bullard	Garcia	Peaden
Campbell	Geller	Posey
Carlton	Haridopolos	Pruitt
Clary	Hill	Saunders
Constantine	Jones	Sebesta
Cowin	Klein	Siplin

Smith	Wasserman Schultz	Wise
Villalobos	Wilson	
Nays—None		

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 third time by title.

On motion by Senator Villalobos, **SB 278** was passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—3

Geller

Lawson	Siplin
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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 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; amending s. 175.061, F.S.; authorizing the plan administrator to withhold certain funds; amending s. 185.05, F.S.; authorizing the plan administrator to withhold certain funds; providing an appropriation to the Department of Revenue; providing an effective date.

—as amended April 25 was read the third time by title.

On motion by Senator Smith, **SB 330** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

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

Fasano	Lee	Sebesta
Garcia	Lynn	Smith
Geller	Margolis	Villalobos
Haridopolos	Miller	Wasserman Schultz
Hill	Peaden	Webster
Jones	Posey	Wilson
Klein	Pruitt	Wise
Lawson	Saunders	

Smith	Wasserman Schultz	Wilson
Villalobos	Webster	Wise
Nays—None		

Nays—None

Vote after roll call:

Yea—Siplin

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 third time by title.

On motion by Senator Atwater, **CS for SB 1126** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

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 third time by title.

On motion by Senator Clary, **CS for CS for SB 1138** was passed and certified to the House. The vote on passage was:

Yeas—39

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

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; amending s. 409.904, F.S.; postponing the effective date of changes to standards for eligibility for certain optional medical assistance, including coverage under the medically needy program; providing appropriations; providing for retroactive application; providing effective dates.

—was read the third time by title.

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

Amendment 1 (673612)—On page 2, line 2, after “government” insert: , or who enrolls through his or her employer and payment for coverage is made in whole or in part by the employer

Amendment 2 (610268)—On page 2, line 17, after “County” insert: and Duval County

MOTION

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

Senators Klein, Peaden, Dawson and Margolis offered the following amendment which was moved by Senator Klein and adopted by two-thirds vote:

Amendment 3 (705122)(with title amendment)—On page 4, delete line 3 and insert:

Section 2. Effective May 1, 2003, subsection (2) of section 409.904, Florida Statutes, is amended to read:

409.904 Optional payments for eligible persons.—The agency may make payments for medical assistance and related services on behalf of the following persons who are determined to be eligible subject to the income, assets, and categorical eligibility tests set forth in federal and state law. Payment on behalf of these Medicaid eligible persons is subject to the availability of moneys and any limitations established by the General Appropriations Act or chapter 216.

(2) A caretaker relative or parent, a pregnant woman, a child under age 19 who would otherwise qualify for Florida Kidcare Medicaid, a child up to age 21 who would otherwise qualify under s. 409.903(1), a person age 65 or over, or a blind or disabled person, who would otherwise be eligible for Florida Medicaid, except that the income or assets of such family or person exceed established limitations. For a family or person in one of these coverage groups, medical expenses are deductible from income in accordance with federal requirements in order to make a determination of eligibility. Expenses used to meet spend-down liability are not reimbursable by Medicaid. Effective July May 1, 2003, when determining the eligibility of a pregnant woman, a child, or an aged, blind, or disabled individual, \$270 shall be deducted from the countable income of the filing unit. When determining the eligibility of the parent or caretaker relative as defined by Title XIX of the Social Security Act, the additional income disregard of \$270 does not apply. A family or person eligible under the coverage known as the “medically needy,” is eligible to receive the same services as other Medicaid recipients, with the exception of services in skilled nursing facilities and intermediate care facilities for the developmentally disabled.

Section 3. The non-recurring sums of \$8,265,777 from the General Revenue Fund, \$2,505,224 from the Grants and Donations Trust Fund, and \$11,727,287 from the Medical Care Trust Fund are appropriated to the Agency for Health Care Administration to implement section 3 of this act during the 2002-2003 fiscal year. This section takes effect May 1, 2003.

Section 4. Except as otherwise expressly provided, this act shall take effect July 1, 2003, but if it becomes a law after May 1, 2003, sections 2 and 3 of this act shall operate retroactively to that date.

And the title is amended as follows:

On page 1, lines 8 and 9, delete those lines and insert: expiration date for the program; amending s. 409.904, F.S.; postponing the effective date of changes to standards for eligibility for certain optional medical assistance, including coverage under the medically needy program; providing appropriations; providing for retroactive application; providing effective dates.

On motion by Senator Peaden, **CS for SB 2020** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

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; providing an effective date.

—as amended April 25 was read the third time by title.

On motion by Senator Wasserman Schultz, **SB 2136** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

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; amending s. 260.0142, F.S.; deleting a limitation on service on the Florida Greenways and Trails Council; providing an effective date.

—as amended April 25 was read the third time by title.

On motion by Senator Bennett, **SB 2406** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

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.

—as amended April 25 was read the third time by title.

On motion by Senator Lynn, **CS for SB 2456** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

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

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

Nays—None

RECONSIDERATION OF BILL

On motion by Senator Lynn, the Senate reconsidered the vote by which—

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.

—as amended passed this day.

Pending further consideration of **CS for SB 2456** as amended, on motion by Senator Lynn, by two-thirds vote **HB 835** was withdrawn from the Committees on Judiciary; Children and Families; Appropriations Subcommittee on Health and Human Services; and Appropriations.

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

HB 835—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 ap-

proval 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.

—a companion measure, was substituted for **CS for SB 2456** as amended and by two-thirds vote read the second time by title.

On motion by Senator Lynn, by two-thirds vote **HB 835** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

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 third time by title.

On motion by Senator Campbell, **CS for SB 2526** was passed by the required constitutional two-thirds vote of the members present 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	Lynn	Wilson
Crist	Margolis	Wise
Dawson	Miller	

Nays—None

Consideration of **SB 2726** was deferred.

On motion by Senator Geller, by two-thirds vote **HB 1553** was withdrawn from the Committees on Criminal Justice; Judiciary; and Health, Aging, and Long-Term Care.

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

HB 1553—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; providing that the Department of Health may determine legal sufficiency and discipline after determination that a complaint indicates that a practitioner may present a serious threat to the health and safety of a non-prisoner; providing 15 days' notice to the Department of Health whenever the Department of Corrections disciplines a health care practitioner; providing an effective date.

—a companion measure, was substituted for **CS for SB 1928** and by two-thirds vote read the second time by title. On motion by Senator Geller, by two-thirds vote **HB 1553** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

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 and Protect Our Reefs license plate; providing for distribution of annual use fees received from the sale of such plates; providing an effective date.

—as amended April 25 was read the third time by title.

An amendment was considered and adopted by two-thirds vote to conform **SB 1840** to **HB 789**.

Pending further consideration of **SB 1840** as amended, on motion by Senator Diaz de la Portilla, by two-thirds vote **HB 789** was withdrawn

from the Committees on Transportation; Health, Aging, and Long-Term Care; Finance and Taxation; Appropriations Subcommittee on Transportation and Economic Development; and Appropriations.

On motion by Senator Diaz de la Portilla, the rules were waived and by two-thirds vote—

HB 789—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, Inc., of annual use fees received from the sale of such plates; providing an effective date.

—a companion measure, was substituted for **SB 1840** as amended and by two-thirds vote read the second time by title. On motion by Senator Diaz de la Portilla, by two-thirds vote **HB 789** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Alexander	Diaz de la Portilla	Miller
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Bennett	Geller	Sebesta
Bullard	Hill	Siplin
Campbell	Jones	Smith
Carlton	Klein	Wasserman Schultz
Clary	Lawson	Webster
Cowin	Lee	Wilson
Crist	Lynn	Wise
Dawson	Margolis	

Nays—1

Dockery

Vote after roll call:

Yea—Atwater, Constantine, Haridopolos, Peaden, Posey, Villalobos

THE PRESIDENT PRESIDING

RECESS

The President declared the Senate in recess at 12:16 p.m. to reconvene at 1:45 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 1:53 p.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	

BILLS ON THIRD READING

Consideration of **HB 1051** and **HB 739** was deferred.

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 read the third time by title.

On motion by Senator Bennett, **HB 235** was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	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	Lee	Webster
Cowin	Lynn	Wilson
Crist	Margolis	Wise
Dawson	Miller	

Nays—None

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.

—was read the third time by title.

On motion by Senator Diaz de la Portilla, **HB 1039** was passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Consideration of **CS for CS for SB 1454** was deferred.

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

—was read the third time by title.

On motion by Senator Geller, **HB 1025** was passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 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.

—was read the third time by title.

On motion by Senator Geller, **HB 1023** was passed by the required constitutional two-thirds vote of the members present 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	Margolis	Wise

Nays—None

Vote after roll call:

Yea—Lynn

CS for CS for SB 1454—A bill to be entitled 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.

—as amended April 25 was read the third time by title.

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

Amendment 1 (782656)—On page 16, lines 4 and 23; on page 17, line 19; and on page 18, line 7, delete "pre-service"

Amendment 2 (380178)—On page 16, lines 7 and 10, delete "pre-service"

On motion by Senator Atwater, **CS for CS for SB 1454** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

On motion by Senator Villalobos, by two-thirds vote **HB 1675** was withdrawn from the Committees on Criminal Justice; Appropriations Subcommittee on Criminal Justice; and Appropriations.

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

HB 1675—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.

—a companion measure, was substituted for **SB 158** and by two-thirds vote read the second time by title.

On motion by Senator Villalobos, by two-thirds vote **HB 1675** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

SENATOR SMITH PRESIDING

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.

—as amended April 25 was read the third time by title.

On motion by Senator Clary, **CS for SB 638** as amended was passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—2

Dawson	Miller
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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.

—as amended April 25 was read the third time by title.

On motion by Senator Campbell, **CS for SB 438** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Crist

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 commander 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 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 third time by title.

On motion by Senator Fasano, **CS for SB 684** was passed and certified to the House. The vote on passage was:

Yeas—39

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

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

Nays—None

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 third time by title.

On motion by Senator Argenziano, **CS for SB 1044** was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Alexander

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 s. 443.1715, F.S., relating to the confidentiality of 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, 443.1716, 443.201, 443.231, 443.232, F.S., relating to public policy, administrative provisions, authorized access to employer information, the Florida Training Investment Program, and rulemaking; providing for retroactive application of provisions relating to electronic reporting and remitting of taxes; providing effective dates.

—as amended April 25 was read the third time by title.

On motion by Senator Garcia, **CS for CS for SB 1448** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

HB 1785—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing an exemption from public records requirements for personal identifying information contained in records relating to a person's health held by local governmental entities or their service providers for purposes of determining eligibility for paratransit services under Title II of the Americans with Disabilities Act or eligibility for the transportation disadvantaged program as provided in part I of ch. 427, F.S.; providing exceptions to the exemption; providing for retroactive application; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was read the third time by title.

On motion by Senator Wise, **HB 1785** was passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

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 read the third time by title.

On motion by Senator Posey, **HB 1609** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Bennett	Clary
Argenziano	Bullard	Constantine
Aronberg	Campbell	Cowin
Atwater	Carlton	Crist

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

Nays—None

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 third time by title.

On motion by Senator Aronberg, **CS for SB 1588** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

CS for SB 1954—A bill to be entitled An act relating to specialty license plates; amending ss. 320.08056, 320.08058, F.S.; creating a series of Military Services license plates; providing for the distribution of annual use fees received from the sale of such plates; creating s. 320.0891, F.S.; creating the U.S. Paratroopers license plate; restricting eligibility to purchase such plates; 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.

—as amended April 25 was read the third time by title.

MOTION

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

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

Amendment 1 (521430)(with title amendment)—On page 5, between lines 29 and 30, insert:

Section 6. 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) *Fish Florida license plate, \$22.*

Section 7. Subsection (39) is added to section 320.08058, Florida Statutes, to read:

320.08058 Specialty license plates.—

(39) **“FISH FLORIDA” LICENSE PLATES.—**

(a) *The department shall develop a Fish Florida license plate as provided in this section. The word “Florida” must appear at the top of the plate, and the words “Fish Florida!” must appear at the bottom of the plate.*

(b) *The annual use fees shall be distributed to the Florida Foundation for Responsible Angling, Inc., to fund aquatic education; marine resource stewardship, and ethical angling practices in this state. A maximum of 15 percent of the funds received by the foundation may be used for administrative costs directly associated with the foundation’s grant distribution program and license plate funding. A maximum of 10 percent of the funds may be used for continuing promotion and marketing of the license plate. The foundation shall provide for a peer review grant solicitation and award process to distribute the remainder of the funds to benefit aquatic education, marine resource stewardship, and ethical angling practices in this state.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 19, after the semicolon (;) insert: amending ss. 320.08056, 320.08058, F.S.; creating a Fish Florida license plate; providing for the distribution of annual use fees received from the sale of such plates;

On motion by Senator Bennett, **CS for SB 1954** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

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; correcting a cross-reference; 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.; correcting a cross-reference; 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 effective date.

—as amended April 25 was read the third time by title.

On motion by Senator Peaden, **CS for CS for SB 2312** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Aronberg	Bennett
Argenziano	Atwater	Bullard

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

Nays—None

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 third time by title.

On motion by Senator Villalobos, **CS for SB 2046** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Sebesta

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 read the third time by title.

On motion by Senator Fasano, **HB 465** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Smith	Wasserman Schultz	Wilson
Villalobos	Webster	Wise

Nays—None

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 third time by title.

On motion by Senator Campbell, **SB 2700** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

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 third time by title.

On motion by Senator Wilson, **CS for CS for SB 1318** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Campbell

On motion by Senator Fasano, by two-thirds vote **HB 861** was withdrawn from the Committees on Comprehensive Planning; Commerce, Economic Opportunities, and Consumer Services; and Judiciary.

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

HB 861—A bill to be entitled An act relating to homeowners’ associations; amending s. 712.05, F.S.; providing that a recorded notice to preserve a claim of right or covenant or restriction, or a part thereof, may be filed by a homeowners’ association upon approval by two-thirds of that association’s board of directors; amending s. 712.06, F.S.; providing that content requirements of a recorded notice to preserve a claim of right may be satisfied by a homeowners’ association’s affidavit affirming the delivery of a statement to its members; providing a form of said statement of marketable title action; providing that recorded notice of a claim of right is deemed sufficient description of property if it cites official records describing said property by book and page; amending s. 720.303, F.S.; providing powers for associations controlled by unit owners other than the developer; providing a limitation on the ability to initiate certain litigation; amending s. 720.306, F.S.; prohibiting certain amendments to bylaws of the associations; providing for a limitation on the applicability of certain provisions of the act; providing an effective date.

—a companion measure, was substituted for **CS for SB 1410** as amended and by two-thirds vote read the second time by title.

On motion by Senator Fasano, by two-thirds vote **HB 861** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Carlton	Dockery
Argenziano	Clary	Fasano
Aronberg	Constantine	Garcia
Atwater	Cowin	Geller
Bennett	Crist	Haridopolos
Bullard	Dawson	Hill
Campbell	Diaz de la Portilla	Jones

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

Nays—None

HB 1763—A bill to be entitled An act relating to the public records exemption for the Address Confidentiality Program for Victims of Domestic Violence; amending s. 741.406, F.S.; repealing provisions which prohibit a supervisor of elections from making certain program participant information available; repealing s. 741.407, F.S., which prohibits the Attorney General from disclosing specified program participant information; amending s. 741.465, F.S., which provides an exemption from public records requirements for specified information of participants in the Address Confidentiality Program for Victims of Domestic Violence; adding clarifying language; removing the October 2, 2003, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; creating a public records exemption for the names, addresses, and telephone numbers of participants in the Address Confidentiality Program for Victims of Domestic Violence contained in voter registration records held by the supervisor of elections; providing for retroactive application of the exemption; providing for future review and repeal of exemption; providing a statement of public necessity; providing an effective date.

—was read the third time by title.

On motion by Senator Lynn, **HB 1763** was passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

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 a study by the Office of Program Policy Analysis and Government Accountability concerning the availability of services and a report; 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.

—as amended April 25 was read the third time by title.

On motion by Senator Lynn, **CS for SB 1442** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

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 communities and increasing the population limit thereof; 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; providing an effective date.

—as amended April 25 was read the third time by title.

On motion by Senator Sebesta, **SB 2164** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

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

Smith	Wasserman Schultz	Wilson
Villalobos	Webster	Wise
Nays—None		

Consideration of **HB 1027** was deferred.

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. 400.147, F.S.; amending the definition of the term “adverse incident”; requiring certain incident reports to be filed; 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 inservice training requirements for persons employed as nursing assistants in a nursing 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. 408.034, 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 subsection 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; creating the Hospital Statutory and Regulatory Reform Council; providing for review of an application for a certificate of need pending on the effective date of the act; providing legislative intent; providing for membership and duties of the council; amending s. 415.102, F.S.; revising the definition of “vulnerable adult” under the Adult Protective Services Act; providing an effective date.

—as amended April 25 was read the third time by title.

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

Amendment 1 (244000)—In title, on page 1, delete line 2 and insert: An act relating to health care facilities; creating s.

Amendment 2 (962882)—In title, on page 2, line 19, delete “subjection” and insert: subjecting

MOTION

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

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

Amendment 3 (231384)(with title amendment)—On page 6, line 4, delete “final” and insert: *most current*

And the title is amended as follows:

On page 1, delete line 24 and insert: Administration must reflect most current agency

Amendment 4 (971556)—On page 5, line 28, following the period (.) insert: *The facility may not use an agency or temporary registered nurse to satisfy the foregoing requirement and must document the institutional responsibilities that have been delegated to the registered nurse.*

Amendment 5 (474414)—On page 6, line 30, after “abuse,” insert: *sexual abuse,*

MOTION

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

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

Amendment 6 (031288)(with title amendment)—On page 6, lines 3-5, delete those lines and insert:

(10) *Agency records, reports, ranking systems, Internet information, and publications must reflect the most current agency actions.*

And the title is amended as follows:

On page 1, delete line 24 and insert: Administration must reflect the most current agency

Amendment 7 (683790)(with title amendment)—On page 7, line 5, delete “incident”

And the title is amended as follows:

On page 1, delete line 27 and insert: requiring certain reports to be filed;

Amendment 8 (674622)—On page 24, line 28 through page 26, line 12, delete those lines

Amendment 9 (075584)(with title amendment)—On page 30, lines 16-25, delete those lines

And the title is amended as follows:

On page 3, lines 9-11, delete those lines and insert: and duties of the council;

MOTION

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

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

Amendment 10 (380314)(with title amendment)—On page 6, line 6 through page 8, line 27, delete those lines and insert:

Section 4. Subsections (5), (7), 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.

(12) If the agency, through its receipt of the adverse incident reports prescribed in subsection (7), or prescribed in subsection (8), 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.

And the title is amended as follows:

On page 1, lines 28-30, delete those lines and insert: revising

MOTION

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

Senators Klein, Peaden, Dawson and Margolis offered the following amendment which was moved by Senator Klein and adopted by two-thirds vote:

Amendment 11 (112156)(with title amendment)—On page 30, delete line 26 and insert:

Section 14. Effective May 1, 2003, subsection (2) of section 409.904, Florida Statutes, is amended to read:

409.904 Optional payments for eligible persons.—The agency may make payments for medical assistance and related services on behalf of the following persons who are determined to be eligible subject to the income, assets, and categorical eligibility tests set forth in federal and state law. Payment on behalf of these Medicaid eligible persons is subject to the availability of moneys and any limitations established by the General Appropriations Act or chapter 216.

(2) A caretaker relative or parent, a pregnant woman, a child under age 19 who would otherwise qualify for Florida Kidcare Medicaid, a child up to age 21 who would otherwise qualify under s. 409.903(1), a person age 65 or over, or a blind or disabled person, who would otherwise be eligible for Florida Medicaid, except that the income or assets of such family or person exceed established limitations. For a family or person in one of these coverage groups, medical expenses are deductible from income in accordance with federal requirements in order to make a determination of eligibility. Expenses used to meet spend-down liability

are not reimbursable by Medicaid. Effective July ~~May~~ 1, 2003, when determining the eligibility of a pregnant woman, a child, or an aged, blind, or disabled individual, \$270 shall be deducted from the countable income of the filing unit. When determining the eligibility of the parent or caretaker relative as defined by Title XIX of the Social Security Act, the additional income disregard of \$270 does not apply. A family or person eligible under the coverage known as the "medically needy," is eligible to receive the same services as other Medicaid recipients, with the exception of services in skilled nursing facilities and intermediate care facilities for the developmentally disabled.

Section 15. *The non-recurring sums of \$8,265,777 from the General Revenue Fund, \$2,505,224 from the Grants and Donations Trust Fund, and \$11,727,287 from the Medical Care Trust Fund are appropriated to the Agency for Health Care Administration to implement section 14 of this act during the 2002-2003 fiscal year. This section takes effect May 1, 2003.*

Section 16. Except as otherwise expressly provided, this act shall take effect July 1, 2003, but if it becomes a law after May 1, 2003, sections 14 and 15 of this act shall operate retroactively to that date.

And the title is amended as follows:

On page 3, delete line 12 and insert: amending s. 409.904, F.S.; postponing the effective date of changes to standards for eligibility for certain optional medical assistance, including coverage under the medically needy program; providing appropriations; providing for retroactive application; providing effective dates.

THE PRESIDENT PRESIDING

On motion by Senator Bennett, **CS for CS for SB 1252** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

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.

—was read the third time by title.

On motion by Senator Geller, **HB 1027** was passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Aronberg	Bennett
Alexander	Atwater	Bullard

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

Nays—None

Vote after roll call:

Yea—Argenziano, Hill

RECONSIDERATION OF BILL

On motion by Senator Lynn, the Senate reconsidered the vote by which—

CS for SB 2404—A bill to be entitled An act relating to substance abuse and mental health; amending s. 394.74, F.S.; authorizing the Department of Children and Family Services to adopt by rule new payment methodologies and to eliminate unit-based methodologies for mental health and substance abuse services; authorizing the department to adopt rules for local match based on new methodologies; prohibiting changes to the ratio of state to local matching resources or to the sources of local match and prohibiting the increase in the amount of local matching funds required; creating s. 394.655, F.S.; providing legislative intent; creating the Florida Substance Abuse and Mental Health Corporation, Inc.; providing that the corporation be administratively housed within the Department of Children and Family Services; specifying responsibilities for the corporation; specifying direction to the department regarding the corporation; requiring a contract between the corporation and the department; specifying the composition of the corporation; providing for appointments by the Governor, President of the Senate and the Speaker of the House of Representatives; providing direction to the corporation regarding its operation; authorizing advisory committees; requiring financial disclosure by corporation members; authorizing the corporation to employ and purchase staff support within funds appropriated; providing for additional staff support to be provided by the department; directing the corporation to develop and submit a budget request for its operation; providing for an annual financial audit; providing for an annual evaluation and report by the corporation; providing for expiration of s. 394.655, F.S., created by this act on October 1, 2006, unless reenacted by the Legislature; providing for the expiration of ss. 20.19(2)(c) and 20.19(4)(b)6. and 8. on October 1, 2006, unless reenacted by the Legislature; directing the Office of Program and Policy Analysis and Government Accountability and the Auditor General to conduct an evaluation; specifying the evaluation’s focus; requiring an initial report on February 1, 2005 and a final report on February 1, 2006, to the Governor and Legislature; amending s. 20.19, F.S.; directing the Secretary of the department to appoint certain positions; providing for the organization of the mental health and substance abuse programs within the department; providing for implementation within available resources; amending s. 394.741, F.S.; amending accreditation requirements for providers of behavioral health care services; requiring the Department of Children and Family Services and the Agency for Health Care Administration to follow only properly adopted and applicable statutes and rules in monitoring contracted providers; requiring the department to file a State Project Compliance Supplement; amending s. 394.9082, F.S.; modifying the services for which a managing entity is accountable; establishing data system requirements; providing for establishment of a single managing entity for the delivery of substance abuse services to child protective services recipients in specified districts of the department; providing for a contract; requiring certain information to be kept; requiring an evaluative study; providing for reports to the Governor and Legislature; revising provisions relating to delivery of state-funded mental health services; amending s. 409.912, F.S.; requiring the agency to work with the department to ensure mental health and substance abuse services are accessible to children and families in the child protection system; requiring the Agency for Health Care Administration to seek federal approval to contract with single entities to provide

comprehensive behavioral health care services to Medicaid recipients in AHCA areas; requiring the agency to submit a plan for fully implementing capitated prepaid behavioral health care in all areas of the state; providing for implementation of the plan that would vary by the size of the eligible population; authorizing the agency to adjust the capitation rate under specified circumstances; requiring the agency to develop policies and procedures that allow for certification of local funds; requiring the agency and the department to develop a plan to implement new Medicaid procedure codes for specified services; providing that match requirements for those procedure codes are met by certifying general revenue with contracted providers; requiring the plan to address specific procedure codes to be implemented, a projection of procedures to be delivered and a financial analysis; requiring approval by the Legislative Budget Commission prior to implementation; directing the plan to be submitted for consideration by the 2004 Legislature if not approved by December 31, 2004; requiring approval by the Legislative Budget Commission prior to implementation; providing an appropriation and authorizing positions; providing effective dates.

—as amended passed April 24.

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

Amendment 1 (440156)(with title amendment)—On page 8, delete line 19 and insert: *a memorandum of understanding that specifies how the department will consider and*

And the title is amended as follows:

On page 1, line 22, delete “contract” and insert: *memorandum of understanding*

Amendment 2 (802586)(with title amendment)—On page 11, lines 8-26, delete those lines and insert:

(7) Funds for the corporation shall be appropriated in a special category. The corporation may purchase expert consultation and staff support services necessary to perform its duties from funds appropriated to the department for this purpose. In addition, within resources appropriated to the department for the corporation, the corporation may appoint one employee who shall serve as the liaison between the corporation, the state agencies and organizations with which the corporation contracts or enters into memoranda of agreement. This employee shall be appointed by and serve at the pleasure of the corporation and is an employee of the corporation, not of the state. Provision of other staff support required by the corporation shall be provided by the department as negotiated in the contract developed pursuant to subsection (5).

(8) The corporation must develop a budget request for its operation and must submit the request to the Governor and the Legislature pursuant to chapter 216 through the secretary of the department.

And the title is amended as follows:

On page 2, line 6, after the semicolon (;) insert: *specifying that funds for the corporation be appropriated in a special category;*

Amendment 3 (862098)—On page 14, lines 13-17, delete those lines and insert: *Secretary for Substance Abuse and Mental Health. The assistant secretary shall serve at the pleasure of the secretary and must have expertise in both areas of responsibility.*

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

Amendment 4 (130884)(with title amendment)—On page 21, line 11, after the period (.) insert: *Any not-for-profit agency providing Medicaid reimbursed mental health or substance abuse services to dependent children as of May 1, 2003, shall be included in the network.*

And the title is amended as follows:

On page 3, line 11, after the first semicolon (;) insert: *requires the inclusion of certain not-for-profit providers of child welfare services in the network;*

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

Amendment 5 (440500)—On page 28, lines 2 and 3, delete those lines and insert: *arrangements to all Medicaid recipients who are eligible to participate in such plans under federal law and regulation. In AHCA areas*

Amendment 6 (743334)—On page 28, lines 15-23, delete those lines and insert: *behavioral health care in all areas of the state. The plan shall include provisions which ensure that children and families receiving foster care and other related services are appropriately served and that these services assist the community based care lead agencies in meeting the goals and outcomes of the child welfare system. The plan will be developed with the participation of community based lead agencies, community alliances, sheriffs and community providers serving dependent children.*

Amendment 7 (645290)(with title amendment)—On page 30, line 7, after “chapter 394” insert: *, child welfare providers under contract with the Department of Children and Families*

And the title is amended as follows:

On page 4, line 4, after the semicolon (;) insert: *requiring current providers of child welfare services be provided an opportunity to participate in the provider network;*

Amendment 8 (451780)—On page 33, lines 13-28, delete those lines and redesignate subsequent sections.

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

Amendment 9 (755474)—In title, on page 4, lines 20 and 21, delete those lines and insert: *providing effective dates.*

On motion by Senator Lynn, **CS for SB 2404** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Lee, by two-thirds vote **SB 2894** was withdrawn from the Committee on Comprehensive Planning; **CS for SB 290**, **SB 288**, **CS for CS for SB 304**, **CS for SB 336**, **CS for CS for SB 400**, **SB 430**, **CS for CS for SB 470**, **CS for CS for CS for SB 716**, **CS for CS for SB 1520**, **CS for SB 1522**, **CS for SB 1528**, **CS for SB 1542**, **CS for SB 1578** and **CS for CS for SB 2006** were withdrawn from the Committee on Rules and Calendar; **CS for SB 164 and 714** was withdrawn from the Committees on Criminal Justice; Judiciary; Appropriations Subcommittee on Transportation and Economic Development; and Appropriations; **CS for SB 172** was withdrawn from the Committees on Criminal Justice; Appropriations Subcommittee on Criminal Justice; and Appropriations; **CS for CS for SB 186 and 2528**, **CS for SB 676**, **CS for SB 1374**, **CS for SB 1828**, **CS for CS for SB 2266**, **SB 2486**, **CS for CS for SB 2658**, **CS for SB 2688** and **CS for SB 2758** were withdrawn from the Committees on Appropriations Subcommittee on Transportation and Economic Development; and Appropriations; **CS for SB 338**, **CS for SB 1116** and **CS for SB 2460** were withdrawn from the Committees on Appropriations Subcommittee on Health and Human

Services; and Appropriations; **CS for CS for SB 518** and **CS for CS for SB 574** were withdrawn from the Committee on Banking and Insurance; **SB 1002**, **CS for SB 1176**, **CS for SB 2212** and **CS for SB 2684** were withdrawn from the Committee on Appropriations; **CS for SB 1146** was withdrawn from the Committees on Appropriations Subcommittee on Education; Appropriations; and Rules and Calendar; **CS for SB 1224** was withdrawn from the Committees on Finance and Taxation; and Appropriations; **CS for SB's 1254 and 1662** was withdrawn from the Appropriations Subcommittee on Criminal Justice; Committees on Appropriations Subcommittee on Education; and Appropriations; **CS for SB 1530**, **CS for SB 2330** and **CS for SB 2482** were withdrawn from the Committees on Appropriations Subcommittee on Criminal Justice; and Appropriations; **CS for CS for SB 1362** was withdrawn from the Committees on Comprehensive Planning; Appropriations; and Rules and Calendar; **CS for CS for SB 1382** and **CS for SB 2110** were withdrawn from the Committee on Governmental Oversight and Productivity; **CS for SB 1612**, **CS for SB 1902**, **SB 2178**, **CS for SB 2260**, **CS for CS for SB 2464**, **SB 2586** and **CS for SB 2636** were withdrawn from the Committees on Appropriations Subcommittee on General Government; and Appropriations; **CS for SB 1630**, **CS for SB 1766**, **CS for SB 2118**, **SB 2284** and **CS for CS for SB 2520** were withdrawn from the Committee on Judiciary; **CS for CS for SB 1694** was withdrawn from the Committees on Criminal Justice; Judiciary; Appropriations Subcommittee on General Government; and Appropriations; **CS for CS for SB 1720 and CS for SB 2572**, **CS for SB 2492** and **CS for SB 2566** were withdrawn from the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on Transportation and Economic Development; and Appropriations; **CS for SB 1774** was withdrawn from the Committee on Communication and Public Utilities; **SB 1832** was withdrawn from the Committees on Judiciary; and Governmental Oversight and Productivity; **CS for SB 1974** was withdrawn from the Committees on Children and Families; Governmental Oversight and Productivity; Appropriations Subcommittee on Article V Implementation and Judiciary; and Appropriations; **CS for SB 2132** was withdrawn from the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on Health and Human Services; and Appropriations; **CS for SB 2140** was withdrawn from the Committee on Finance and Taxation; **CS for CS for SB 2216** was withdrawn from the Committees on Commerce, Economic Opportunities, and Consumer Services; and Rules and Calendar; **CS for SB 2350** and **CS for SB 2438** were withdrawn from the Committee on Criminal Justice; **CS for SB 2358** was withdrawn from the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations; **CS for SB 2362** was withdrawn from the Committees on Judiciary; and Rules and Calendar; **CS for CS for SB 2578** was withdrawn from the Committees on Comprehensive Planning; Appropriations Subcommittee on Transportation and Economic Development; and Appropriations; **CS for SB 2754** was withdrawn from the Committees on Military and Veterans' Affairs, Base Protection, and Spaceports; Appropriations Subcommittee on General Government; and Appropriations; **SB 2368** was withdrawn from the Committees on Natural Resources; and Communication and Public Utilities; **SB 2546** was withdrawn from the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on Education; and Appropriations; **SB 1538** was withdrawn from the Committees on Appropriations Subcommittee on Education; and Appropriations; **SB 1322** was withdrawn from the Committees on Appropriations; and Rules and Calendar; **CS for SB 2018** was withdrawn from the Committees on Banking and Insurance; and Regulated Industries; and **CS for SB 2030** was withdrawn from the Committees on Criminal Justice; Judiciary; Appropriations Subcommittee on Criminal Justice; and Appropriations.

RECONSIDERATION OF BILL

On motion by Senator Peaden, the Senate reconsidered the vote by which—

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; amending s. 409.904, F.S.; postponing the effective date of changes to standards for eligibility for certain optional medical assistance, including coverage under the medically needy program; providing appropriations; providing for retroactive application; providing effective dates.

—as amended passed this day.

MOTION

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

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

Amendment 4 (213182)—On page 5, line 17, delete “3” and insert: 2

On motion by Senator Peaden, CS for SB 2020 as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40

Table with 3 columns: Name, Name, Name. Lists names of senators who voted 'Yeas'.

Nays—None

BILLS ON THIRD READING

SENATOR SEBESTA PRESIDING

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.

—as amended April 25 was read the third time by title.

Senators Lawson, Campbell and Constantine offered the following amendment which was moved by Senator Constantine and adopted by two-thirds vote:

Amendment 1 (703260)—On page 5, line 22 through page 6, line 2, delete those lines and insert: phosphorus criterion in the Everglades Protection Area. 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, and not based on any planning goal or objective in the Plan that is inconsistent with this section. Revisions to the Long-Term Plan shall be incorporated through an adaptive management approach including a process development and engineering component to identify

and implement incremental optimization measures for further phosphorus reductions.

Senators Lawson, Campbell and Constantine offered the following amendment which was moved by Senator Campbell and adopted by two-thirds vote:

Amendment 2 (314288)(with title amendment)—On page 18, delete line 6 and insert: phosphorus criterion may include moderating provisions

And the title is amended as follows:

On page 1, lines 20-22, delete those lines and insert: deleting obsolete provisions; providing that rules adopting phosphorus criterion may include moderating provisions; requiring that permits

Senators Lawson, Campbell and Constantine offered the following amendment which was moved by Senator Constantine and adopted by two-thirds vote:

Amendment 3 (624820)—On page 36, lines 24-26, delete those lines and insert: including the phosphorus criterion and moderating provisions. in all parts of the Everglades Protection Area.

MOTION

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

Senator Campbell moved the following amendment which failed to receive the required two-thirds vote:

Amendment 4 (293044)—On page 2, lines 17 and 18, delete “at the earliest practicable date”

On motion by Senator Lawson, CS for SB 626 as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Table with 3 columns: Name, Name, Name. Lists names of senators who voted 'Yeas'.

Nays—None

SPECIAL ORDER CALENDAR

On motion by Senator Dockery—

CS for CS for SB 1616—A bill to be entitled An act relating to seaport security; amending s. 311.12, F.S., relating to seaport security standards; authorizing the Department of Law Enforcement to exempt an inactive seaport from certain requirements; revising circumstances under which employment by or access to a seaport may be denied; providing additional offenses that disqualify a person from employment within or regular access to a seaport or restricted access area; prohibiting a seaport from imposing access restrictions that exceed the statewide minimum requirements; creating s. 311.125, F.S.; establishing the Uniform Port Access Credential System, to be administered by the Department of Highway Safety and Motor Vehicles; requiring seaports that are subject to statewide minimum security standards to comply with the system’s requirements by a specified date; specifying system requirements; providing requirements for the Uniform Port Access Credential Card; requiring an initial fingerprint-based criminal history check of card applicants; requiring additional criminal history checks; requiring employers to notify a seaport if an employee having access is terminated,

resigns, is incapacitated, or dies; providing a procedure for placing a card in an inactive status; providing for reactivation of a card; authorizing revocation of a business entity's access to a seaport upon failure to report a change in the work status of an employee; providing requirements for access to restricted areas and nonrestricted areas within a seaport; providing requirements for a visitor's pass to be issued by seaports; authorizing seaports to charge for the cost of conducting criminal history checks and issuing the Uniform Port Access Credential Card; providing for seizure of a Uniform Port Access Credential Card by a law enforcement officer under certain circumstances; providing a timeframe for seaports to comply with the requirements of the act; requiring the Department of Law Enforcement to update a seaport security compliance plan; providing that implementation is contingent on the receipt of federal grant funds; providing an effective date.

—was read the second time by title.

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

Amendment 1 (815600)—On page 5, lines 12 and 13, delete “*The Department of Law Enforcement may authorize*”

Amendment 2 (622916)—On page 5, delete line 15 and insert: *access.* In addition, A seaport may allow waivers on a

Amendment 3 (225024)—On page 5, line 19, after “*plan.*” insert: *All waivers granted pursuant to this paragraph must be reported to the Department of Law Enforcement within 30 days of issuance.*

Amendment 4 (830530)—On page 5, line 23; and on page 6, line 17, delete “5” and insert: 7 5

Amendment 5 (432400)—On page 6, line 3, after “*robbery;*” insert: *any felony violation of s. 812.014;*

Amendment 6 (234460)—On page 8, line 21, after “*paragraph*” insert: (3)

Amendment 7 (335954)—On page 9, line 17 through page 11, line 4, delete those lines and insert:

311.125 *Uniform Port Access Credential System.*—

(1) *By July 1, 2004, each seaport identified in s. 311.09 and subject to the statewide minimum seaport security standards set forth in s. 311.12 shall be required to use a Uniform Port Access Credential Card that is to be utilized in the operation of the state Uniform Port Access Credential System as required herein. All Uniform Port Access Credential Cards shall be issued by the Department of Highway Safety and Motor Vehicles to the designated port authority, or recognized governing board, of the requesting seaport for distribution to the credential applicant.*

(2)(a) *The Department of Highway Safety and Motor Vehicles, in consultation with the Department of Law Enforcement, the Florida Seaport Transportation and Economic Development Council, the Florida Trucking Association, and the United States Transportation and Security Administration shall develop a Uniform Port Access Credential System for use in on-site verification of access authority for all persons on a seaport as defined in s. 311.12(2), utilizing the Uniform Port Access Credential Card as authorized herein. Each seaport, in a manner consistent with the “Port Security Standards Compliance Plan” delivered to the Speaker of the House of Representatives and the President of the Senate on December 11, 2000, pursuant to s. 311.12, and this section, is responsible for granting, restricting, or modifying access authority provided to each Uniform Port Access Credential Card holder and promptly communicating the levels of access or changes in the level of access to the department for its use in administering the Uniform Port Access Credential System. Each seaport is responsible for the proper operation and maintenance of the Uniform Port Access Credential Card reader and access verification utilizing the Uniform Port Access Credential System at its location. The Uniform Port Access Credential Card reader and Uniform Port Access Credential System shall be utilized by each seaport to ensure compliance with the access restrictions provided by s. 311.12.*

(b) *The system shall be designed to conform, as closely as possible, with criteria established by the United States Transportation Security Administration for a Transportation Worker Identification Card, or sim-*

ilar identification, as required by federal law. The system shall, at a minimum, consist of:

1. *A centralized, secure database for collecting and maintaining fingerprints and other biometric means of identity, and other information pertaining to personal identification of persons working on, or doing business at, a Florida seaport as set forth in s. 311.12;*

2. *A methodology for receiving data from each port and transmitting data to each port regarding access permissions;*

3. *Technology required for each gate and portal at each seaport to be interactive with the Uniform Port Access Credential System during all hours of operation;*

4. *The ability to identify persons who have violated the access requirements of s. 311.12 and to deactivate the access permissions of those persons; and*

5. *The ability to utilize the Uniform Port Access Credential Card in a manner consistent herein.*

Such system shall be designed to ensure the credentialed cardholders' privacy in a manner consistent with the state's security requirements as provided herein.

Amendment 8 (641732)—On page 11, line 20, delete “*copy*” and insert: *verification*

Amendment 9 (443510)—On page 11, lines 23-26, delete those lines and insert: *applicant.*

Amendment 10 (445042)—On page 12, delete line 5 and insert: *denial of access. In addition to access authority granted to seaports, access authority may be restricted or*

Amendment 11 (950966)—On page 13, lines 9-14, delete those lines and insert:

(8) *Each person working on a seaport, as regulated in s. 311.12(2), shall be issued a Uniform Port Access Credential Card upon completion of the application process. Upon issuance of the Uniform Port Access Credential Card, the cardholder is eligible to enter a seaport in the system based on the level of permission allowed by each respective seaport. A person working in a restricted access area must*

Amendment 12 (261402)—On page 13, lines 18 and 19, delete those lines and insert: *restricted area, pursuant to subsection (3). The card must*

Amendment 13 (054676)(with title amendment)—On page 13, lines 25-30, delete those lines and insert: *Exit from any restricted access area of a seaport shall require a machine check of the*

And the title is amended as follows:

On page 2, line 4, delete “*and nonrestricted areas*”

Amendment 14 (264150)—On page 14, delete line 1 and insert: (9) *Each person not producing a Uniform Port Access Credential Card upon arrival at a restricted area of a*

Amendment 15 (870204)—On page 14, lines 7-11, delete those lines and insert: *visitor. Failure to display the visitor's pass shall result in revocation of a worker's permission to work on the seaport. Public conveyances such as buses carrying passengers into restricted access areas must be able to verify that all passengers have legitimate business on the seaport.*

Amendment 16 (714674)—On page 15, line 8, after “*requirements*” insert: *for the system*

Pursuant to Rule 4.19, **CS for CS for SB 1616** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Carlton, by two-thirds vote **HB 457** was withdrawn from the Committees on Health, Aging, and Long-Term Care; Comprehensive Planning; and Finance and Taxation.

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

HB 457—A bill to be entitled An act relating to the indigent care and trauma center discretionary sales surtax; amending s. 212.055, F.S.; reviving, reenacting, and amending the indigent care and trauma center discretionary sales surtax; requiring a biennial audit of a certain trust fund; requiring delivery of the audit report to certain entities; deleting a future expiration provision; providing an effective date.

—a companion measure, was substituted for **CS for SB 2148** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 457** was placed on the calendar of Bills on Third Reading.

On motion by Senator Garcia—

CS for CS for SB 1856—A bill to be entitled An act relating to law enforcement officers and correctional officers; amending s. 112.532, F.S.; revising provisions relating to disciplinary actions against officers; providing grounds for civil actions by officers; providing for officers to obtain investigative reports; revising guidelines for questioning officers who are being investigated; providing for the production of an investigative report and supporting documents in a disciplinary case against a law enforcement or correctional officer to that officer prior to the imposition of certain disciplinary actions; providing for such records to remain confidential pursuant to the current public-records exemption; providing that such provision is not to be construed to provide a law enforcement or correctional officer with a property interest in a position of employment; amending s. 112.533, F.S.; providing for legal counsel or a representative of the officer's choice to review a complaint filed against the officer and all statements made by the complainant and witnesses; providing an effective date.

—was read the second time by title.

MOTION

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

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

Amendment 1 (602842)(with title amendment)—On page 5, lines 16-19, delete those lines and insert:

Section 2. Subsection (1), paragraph (a) of subsection (2), and subsection (4) of section 112.533, Florida Statutes, are amended to read:

112.533 Receipt and processing of complaints.—

(1) Every law enforcement agency and correctional agency shall establish and put into operation a system for the receipt, investigation, and determination of complaints received by such agency from any person, *which shall be the procedure for investigating a complaint against a law enforcement and correctional officer and for determining whether to proceed with disciplinary action or to file disciplinary charges, notwithstanding any other law or ordinance to the contrary. This subsection does not preclude the Criminal Justice Standards and Training Commission from exercising its authority under chapter 943.*

And the title is amended as follows:

On page 1, line 21, after the second semicolon (;) insert: providing that an established system for the receipt, investigation, and determination of complaints shall be the exclusive procedure used by law enforcement and correctional agencies;

Pursuant to Rule 4.19, **CS for CS for SB 1856** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Argenziano—

CS for SB 2458—A bill to be entitled An act relating to consumer protection in the construction lien law; creating s. 713.015, F.S.; provid-

ing mandatory contract provisions for residential construction contracts; amending s. 713.06, F.S.; providing an additional warning statement on a Notice to Owner; providing a form for a contractor's final payment affidavit; amending s. 713.08, F.S.; providing a warning statement on a claim of lien; amending s. 713.135, F.S.; requiring the lien law summary to contain an explanation of owners' rights; requiring the issuing authority to mail the lien law summary to the owner; amending s. 713.31, F.S.; requiring a prosecuting entity to provide a copy of the charging document to the Department of Business and Professional Regulation; amending s. 713.345, F.S.; providing permissive inferences that a person knowingly and intentionally failed to properly apply construction payments; requiring a prosecuting entity to provide a copy of the charging document to the Department of Business and Professional Regulation; amending s. 713.3471, F.S.; requiring lenders to give certain notices regarding direct loan disbursements to borrowers; amending s. 713.35, F.S.; requiring a prosecuting entity to provide a copy of the charging document to the Department of Business and Professional Regulation; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 2458** to **HB 1719**.

Pending further consideration of **CS for SB 2458** as amended, on motion by Senator Argenziano, by two-thirds vote **HB 1719** was withdrawn from the Committees on Regulated Industries; Judiciary; and Commerce, Economic Opportunities, and Consumer Services.

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

HB 1719—A bill to be entitled An act relating to consumer protection in the construction lien law; creating s. 713.015, F.S.; providing mandatory contract provisions for residential construction contracts; amending s. 713.06, F.S.; providing an additional warning statement on a notice to owner; providing a form for a contractor's final payment affidavit; amending s. 713.08, F.S.; providing a warning statement on a claim of lien; amending s. 713.135, F.S.; requiring the lien law summary to contain an explanation of owners' rights; requiring the issuing authority to mail the lien law summary to the owner; amending s. 713.31, F.S.; requiring a prosecuting entity to provide a copy of the charging document to the Department of Business and Professional Regulation; amending s. 713.345, F.S.; providing permissive inferences that a person knowingly and intentionally failed to properly apply construction payments; requiring a prosecuting entity to provide a copy of the charging document to the Department of Business and Professional Regulation; amending s. 713.3471, F.S.; requiring lenders to give certain notices regarding direct loan disbursements to borrowers; amending s. 713.35, F.S.; requiring a prosecuting entity to provide a copy of the charging document to the Department of Business and Professional Regulation; providing effective dates.

—a companion measure, was substituted by two-thirds vote for **CS for SB 2458** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 1719** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 2296** was deferred.

On motion by Senator Atwater, by two-thirds vote **HB 79** was withdrawn from the Committees on Communication and Public Utilities; Criminal Justice; Judiciary; Appropriations Subcommittee on Criminal Justice; and Appropriations.

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

HB 79—A bill to be entitled An act relating to communications services; amending s. 812.15, F.S.; revising definition of "cable operator" and "cable system" and defining "communications device," "communications service," "communications service provider," and "manufacture, development, or assembly of a communications device"; prohibiting certain interception, reception, decryption, disruption, transmission, retransmission, or acquisition of access to described communications services and prohibiting assisting others in doing so; prohibiting described

communications devices for certain purposes and promotion of such devices; providing criminal and civil penalties; providing for actual and statutory damages; exempting described entities under certain circumstances; providing an effective date.

—a companion measure, was substituted for **CS for SB 1078** and by two-thirds vote read the second time by title.

Senator Atwater moved the following amendment which was adopted:

Amendment 1 (860268)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 812.15, Florida Statutes, is amended to read:

812.15 Unauthorized reception of ~~communications cable television~~ services; penalties.—

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

(a) “Cable operator” means *a communications service provider who provides some or all of its communications services pursuant to a “cable television franchise” issued by a “franchising authority,” as those terms are defined in 47 U.S.C. s. 522(9) and (10) (1992) “cable operator” as defined in 47 U.S.C. s. 522(4) (1988).*

(b) “Cable system” means *any communications service network, system, or facility owned or operated by a cable operator “cable system” as defined in 47 U.S.C. s. 522(6) (1988).*

(c) “Communications device” means *any type of electronic mechanism, transmission line or connections and appurtenances thereto, instrument, device, machine, equipment, or software that is capable of intercepting, transmitting, acquiring, decrypting, or receiving any communications service, or any part, accessory, or component thereof, including any computer circuit, splitter, connector, switches, transmission hardware, security module, smart card, software, computer chip, electronic mechanism, or other component, accessory, or part of any communications device which is capable of facilitating the interception, transmission, retransmission, acquisition, decryption, or reception of any communications service.*

(d) “Communications service” means *any service lawfully provided for a charge or compensation by any cable system or by any radio, fiber optic, photooptical, electromagnetic, photoelectronic, satellite, microwave, data transmission, Internet-based, or wireless distribution network, system, or facility, including, but not limited to, any electronic, data, video, audio, Internet access, microwave, and radio communications, transmissions, signals, and services, and any such communications, transmissions, signals, and services lawfully provided for a charge or compensation, directly or indirectly by or through any of those networks, systems, or facilities.*

(e) “Communications service provider” means:

1. *Any person or entity owning or operating any cable system or any fiber optic, photooptical, electromagnetic, photoelectronic, satellite, wireless, microwave, radio, data transmission, or Internet-based distribution network, system, or facility.*

2. *Any person or entity providing any lawful communications service, whether directly or indirectly, as a reseller or licensee, by or through any such distribution network, system, or facility.*

(f) “Manufacture, development, or assembly of a communications device” means *to make, produce, develop, or assemble a communications device or any part, accessory, or component thereof, or to modify, alter, program, or reprogram any communications device so that it is capable of facilitating the commission of a violation of this section.*

(g) “Multipurpose device” means *any communications device that is capable of more than one function and includes any component thereof.*

(2)(a) A ~~No~~ person may not knowingly ~~shall~~ intercept, or receive, decrypt, disrupt, transmit, retransmit, or acquire access to ~~or assist in intercepting or receiving~~ any communications service ~~without the express authorization of the offered over a cable system, unless specifically authorized to do so by a cable operator or other communications service provider, or as stated in a contract or may otherwise, with the intent to~~

~~defraud the cable operator or communications service provider, or to knowingly assist others in doing those acts with the intent to defraud the cable operator or other communications provider be specifically authorized by law.~~ For the purpose of this section, the term “assist others” includes:

1. *The sale, transfer, license, distribution, deployment, lease, manufacture, development, or assembly of a communications device for the purpose of facilitating the unauthorized receipt, acquisition, interception, disruption, decryption, transmission, retransmission, or access to any communications service offered by a cable operator or any other communications service provider; or*

2. *The sale, transfer, license, distribution, deployment, lease, manufacture, development, or assembly of a communications device for the purpose of defeating or circumventing any effective technology, device, or software, or any component or part thereof, used by a cable operator or other communications service provider to protect any communications service from unauthorized receipt, acquisition, interception, disruption, access, decryption, transmission, or retransmission. ~~in intercepting or receiving” shall include the manufacture of or distribution of equipment intended by the manufacturer or distributor, as the case may be, for unauthorized reception of any communications service offered over a cable system in violation of this section.~~*

(b) Any person who willfully violates this subsection ~~commits shall be guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3)(a) Any person who willfully violates paragraph (2)(a), paragraph (4)(a), or subsection (5) and who has been previously convicted of any such provision ~~commits shall be guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) Any person who willfully and for purposes of direct or indirect commercial advantage or private financial gain violates paragraph (2)(a), paragraph (4)(a), or subsection (5) ~~commits shall be guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4)(a) Any person who intentionally possesses a ~~communications device equipment, knowing or having reason to know that the design of such device equipment renders it primarily useful for the purpose of committing, or assisting others in committing, a violation of paragraph (2)(a) commits the unauthorized reception of any communications service offered over a cable system, shall be guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) Any person who intentionally possesses five or more ~~communications devices or pieces of equipment and knows or has reason to know that the design of such devices or pieces of equipment renders them primarily useful for committing, or assisting others in committing, a violation of paragraph (2)(a) commits the unauthorized reception of any communications services offered over a cable system is guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) Any person who intentionally possesses fifty or more ~~communications devices or pieces of equipment and knows or has reason to know that the design of such devices or equipment renders them primarily useful for committing, or assisting others in committing, a violation of paragraph (2)(a) commits the unauthorized reception of any communications services offered over a cable system is guilty of~~ a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication, including any electronic medium, any advertisement that, in whole or in part, promotes the sale of a ~~communications device equipment, if the person placing the advertisement knows or has reason to know that the device equipment is designed to be primarily useful for committing, or assisting others in committing, a violation of paragraph (2)(a) the unauthorized reception of any communications service offered over a cable system.~~ Any person who violates this subsection shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(6) *All fines shall be imposed as provided in s. 775.083 for each communications device involved in the prohibited activity or for each day a defendant is in violation of this section.*

(7) *The court shall, in addition to any other sentence authorized by law, sentence a person convicted of violating this section to make restitution as authorized by law.*

(8) *Upon conviction of a defendant for violating this section, the court may, in addition to any other sentence authorized by law, direct that the defendant forfeit any communications device in the defendant's possession or control which was involved in the violation for which the defendant was convicted.*

(9) *A violation of paragraph (2)(a) may be deemed to have been committed at any place where the defendant manufactures, develops, or assembles any communications devices involved in the violation, or assists others in these acts, or any place where the communications device is sold or delivered to a purchaser or recipient. It is not a defense to a violation of paragraph (2)(a) that some of the acts constituting the violation occurred outside the state.*

(10)(6)(a) *Any person aggrieved by any violation of this section may bring a civil action in a circuit court or in any other court of competent jurisdiction.*

(b) The court may:

1. *Grant temporary and final injunctions on such terms as it finds may deem reasonable to prevent or restrain violations of this section in conformity with the principles that govern the granting of injunctive relief from threatened loss or damage in other civil cases, except that a showing of special or irreparable damages to the person need not have to be made.;*

2. *At any time while the action is pending, order the impounding, on reasonable terms, of any communications device that is in the custody or control of the violator and that the court has reasonable cause to believe was involved in the alleged violation of this section, and may grant other equitable relief, including the imposition of a constructive trust, as the court considers reasonable and necessary.*

3.2. *Award damages pursuant to paragraphs (c), (d), and (e).; and*

4.3. *Direct the recovery of full costs, including awarding reasonable attorney's fees, to an aggrieved party who prevails.*

5. *As part of a final judgment or decree finding a violation of this section, order the remedial modification or destruction of any communications device, or any other device or equipment, involved in the violation which is in the custody or control of the violator or has been impounded under subparagraph 2.*

(c) *Damages awarded by any court under this section shall be computed in accordance with subparagraph 1. or subparagraph 2. either of the following:*

1. *The party aggrieved may recover the actual damages suffered by him or her as a result of the violation and any profits of the violator that are attributable to the violation which are not taken into account in computing the actual damages.;*

a. *Actual damages include the retail value of all communications services to which the violator had unauthorized access as a result of the violation and the retail value of any communications service illegally available to each person to whom the violator directly or indirectly provided or distributed a communications device. In proving actual damages, the party aggrieved must prove only that the violator manufactured, distributed, or sold a communications device and is not required to prove that any such device was actually used in violation of this section.*

b. *In determining the violator's profits, the party aggrieved must shall be required to prove only the violator's gross revenue, and the violator must is required to prove his or her deductible expenses and the elements of profit attributable to factors other than the violation.;*

2. *Upon election of such damages at any time before final judgment is entered, the party aggrieved may recover an award of statutory damages for each communications device violation involved in the action, in a sum of not less than \$250 or more than \$10,000 for each such device, as the court considers just.*

(d) *In any case in which the court finds that the violation was committed willfully and for purposes of commercial advantage or financial*

gain, the court in its discretion may increase the award of damages, whether actual or statutory under this section, by an amount of not more than \$50,000 for each communications device involved in the action and for each day the defendant is in violation of this section violation.

(e) *In any case in which the court finds that the violator was not aware and had no reason to believe that his or her acts constituted a violation of this section, the court in its discretion may reduce the award of damages to a sum of not less than \$100.*

(11) *This section shall not be construed to impose any criminal or civil liability upon any state or local law enforcement agency; any state or local government agency, municipality, or authority; or any communications service provider unless such entity is acting knowingly and with intent to defraud a communications service provider as defined in this section.*

(12) *A person that manufactures, produces, assembles, designs, sells, distributes, licenses, or develops a multipurpose device shall not be in violation of this section unless that person acts knowingly and with an intent to defraud a communications services provider and the multipurpose device:*

(a) *Is manufactured, developed, assembled, produced, designed, distributed, sold, or licensed for the primary purpose of committing a violation of this section;*

(b) *Has only a limited commercially significant purpose or use other than for the commission of any violation of this section; or*

(c) *Is marketed by that person or another acting in concert with that person with that person's knowledge for the purpose of committing any violation of this section.*

(13) *Nothing in this section shall require that the design of, or design and selection of parts, software code, or components for, a communications device provide for a response to any particular technology, device, or software, or any component or part thereof, used by the provider, owner, or licensee of any communications service or of any data, audio or video programs, or transmissions, to protect any such communications, data, audio or video service, programs, or transmissions from unauthorized receipt, acquisition, interception, access, decryption, disclosure, communication, transmission, or retransmission.*

Section 2. This act shall take effect October 1, 2003.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to communications services; amending s. 812.15, F.S.; redefining the terms "cable operator" and "cable system"; defining the terms "communications device," "communications service," "communications service provider," and "manufacture, development, or assembly of a communications device"; defining the term "multipurpose device"; prohibiting certain interception, reception, decryption, disruption, transmission, retransmission, or acquisition of access to described communications services and prohibiting assisting others in these acts; prohibiting the advertisement of communications devices for certain unlawful purposes; providing criminal and civil penalties; providing for actual and statutory damages; providing exceptions; providing an effective date.

Pursuant to Rule 4.19, **HB 79** as amended was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 1202** and **CS for CS for SB's 1852, 1628 and 2344** was deferred.

SENATOR LAWSON PRESIDING

On motion by Senator Aronberg—

CS for CS for SB 1584—A bill to be entitled An act relating to administrative procedures; amending s. 120.52, F.S.; revising definition of invalid exercise of delegated legislative authority; amending s. 120.54, F.S.; revising provisions with respect to uniform rules; providing requirements with respect to the application of alleged facts to specific

rules or statutes; amending s. 120.56, F.S.; revising rule challenges; providing hearings of such challenges to be held de novo; providing for the standard of proof to be used; revising procedures for agency response in unadopted rule proceedings; amending s. 120.569, F.S.; revising provisions with respect to decisions that affect substantial interest; providing for initial scheduling orders by the administrative law judge; providing for a discovery period; amending s. 120.57, F.S.; revising provisions with respect to additional procedures applicable to hearings involving disputed issues of material fact; revising procedures in unadopted rule proceedings; providing that an order relinquishing jurisdiction shall be rendered under certain circumstances; providing when an agency must rule on exceptions; amending s. 120.595, F.S.; redefining the term "improper purpose" and conforming a cross-reference; declaring that other provisions relating to attorney's fees and costs are unaffected by s. 120.595, F.S.; amending s. 120.60, F.S.; revising provisions with respect to licensing; providing for license issuance by default in specified circumstances; amending s. 120.68, F.S.; revising provisions with respect to judicial review; providing additional grounds for certain petitions challenging an agency rule as an invalid exercise of delegated legislative authority; amending s. 57.105, F.S.; providing administrative law judge authority to award attorney's fees and damages; amending s. 57.111, F.S.; revising attorney's fees on civil actions and administrative proceedings initiated by state agencies; providing an effective date.

—was read the second time by title.

SENATOR SEBESTA PRESIDING

Senator Aronberg moved the following amendment which was adopted:

Amendment 1 (893592)—On page 8, line 23, delete "(g)" and insert: (f)

Pursuant to Rule 4.19, **CS for CS for SB 1584** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

THE PRESIDENT PRESIDING

On motion by Senator Bennett—

CS for SB 1952—A bill to be entitled An act relating to electrical and alarm system contracting; amending s. 489.517, F.S.; requiring certificateholders and registrants to have continuing education on false alarm prevention; amending s. 489.518, F.S.; revising qualifications for burglar alarm system agents; requiring additional criminal background check; removing an exemption from training requirements for persons who only perform sales; authorizing employment as an alarm system agent or burglar alarm system agent under supervision for a specified period pending completion of training and the criminal background check; providing format, validity period, and renewal requirements for burglar alarm system agent identification cards; requiring an updated criminal background check of each burglar alarm system agent renewing certification; providing continuing education requirements for burglar alarm system agents; amending s. 489.5185, F.S.; revising qualifications for fire alarm system agents; requiring additional criminal background check; requiring an updated criminal background check of each fire alarm system agent renewing certification; requiring fire alarm system agents to have continuing education on false alarm prevention; amending s. 489.529, F.S.; requiring a second alarm-verification call if the first call is unanswered; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1952** was placed on the calendar of Bills on Third Reading.

SENATOR LEE PRESIDING

On motion by Senator Sebesta—

CS for CS for SB 2550—A bill to be entitled An act relating to mobile homes; creating s. 319.261, F.S.; providing a process to retire title to a mobile home; defining "real property owned by that same person"; providing procedures; requiring the clerk of court to record certain docu-

ments and provide copies to the owner; requiring the clerk of court to provide a copy of the recorded title or manufacturers' certificate of origin to the owner; providing for the owner or lienholder of the mobile home to file an application with the Department of Highway Safety and Motor Vehicles; providing for that department to retire the title; requiring notice to the applicant; providing procedures for that department to issue a new title; providing for conveyance of such mobile home; providing for perfecting, realizing, and foreclosure of security interests; prohibiting falsifying or omitting material or violating the section otherwise; providing penalties; providing for application and construction of the act; providing for severability; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for SB 2550** to **HB 1431**.

Pending further consideration of **CS for CS for SB 2550** as amended, on motion by Senator Sebesta, by two-thirds vote **HB 1431** was withdrawn from the Committees on Comprehensive Planning; and Transportation.

On motion by Senator Sebesta—

HB 1431—A bill to be entitled An act relating to mobile homes; creating s. 319.261, F.S.; providing a process to retire title to a mobile home; defining "real property owned by that same person"; providing procedures; requiring the clerk of court to record certain documents and provide copies to the owner; requiring the clerk of court to provide a copy of the recorded title or manufacturers' certificate of origin to the owner; providing for the owner or lienholder of the mobile home to file an application with the Department of Highway Safety and Motor Vehicles; providing for that department to retire the title; requiring notice to the applicant; providing for that department to issue a new title; providing for conveyance of such mobile home; providing for perfecting, realizing, and foreclosure of security interests; providing penalties; providing for application and construction of the act; providing for severability; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2550** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 1431** was placed on the calendar of Bills on Third Reading.

On motion by Senator Argenziano, by two-thirds vote **HB 1061** was withdrawn from the Committees on Agriculture; Governmental Oversight and Productivity; Health, Aging, and Long-Term Care; and Rules and Calendar.

On motion by Senator Argenziano—

HB 1061—A bill to be entitled An act relating to public records; amending s. 500.148, F.S.; providing an exemption from public records requirements for certain federal information that is otherwise confidential under federal law and that is provided to the Department of Agriculture and Consumer Services for purposes of food safety investigations, federal-state contracts and partnership activities, and regulatory reviews; prohibiting the disclosure of such information unless a federal agency has found that the information is no longer entitled to protection or unless ordered by a court; providing for future legislative review and repeal; providing a finding of public necessity; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1230** and read the second time by title.

Pursuant to Rule 4.19, **HB 1061** was placed on the calendar of Bills on Third Reading.

THE PRESIDENT PRESIDING

On motion by Senator Aronberg—

CS for SB 2652—A bill to be entitled An act relating to vessels; amending s. 328.17, F.S.; revising provisions with respect to the nonjudicial sale of vessels; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2652** was placed on the calendar of Bills on Third Reading.

On motion by Senator Saunders—

CS for CS for SB 2678—A bill to be entitled An act relating to health care practice parameters; repealing s. 408.02, F.S., relating to practice parameters; amending s. 440.13, F.S.; providing for practice parameters and protocols; amending ss. 440.134, 627.6418, 627.6613, F.S., relating to worker’s compensation managed care plans and health insurance policy coverage for mammograms; removing references and legislative intent, to conform; providing legislative intent that the statutory requirements conform to certain parameters relating to mammograms; providing an effective date.

—was read the second time by title.

MOTION

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

Senators Klein, Peaden, Dawson and Margolis offered the following amendment which was moved by Senator Klein and adopted:

Amendment 1 (214714)(with title amendment)—On page 5, lines 3 and 4, delete those lines and insert:

Section 6. Effective May 1, 2003, subsection (2) of section 409.904, Florida Statutes, is amended to read:

409.904 Optional payments for eligible persons.—The agency may make payments for medical assistance and related services on behalf of the following persons who are determined to be eligible subject to the income, assets, and categorical eligibility tests set forth in federal and state law. Payment on behalf of these Medicaid eligible persons is subject to the availability of moneys and any limitations established by the General Appropriations Act or chapter 216.

(2) A caretaker relative or parent, a pregnant woman, a child under age 19 who would otherwise qualify for Florida Kidcare Medicaid, a child up to age 21 who would otherwise qualify under s. 409.903(1), a person age 65 or over, or a blind or disabled person, who would otherwise be eligible for Florida Medicaid, except that the income or assets of such family or person exceed established limitations. For a family or person in one of these coverage groups, medical expenses are deductible from income in accordance with federal requirements in order to make a determination of eligibility. Expenses used to meet spend-down liability are not reimbursable by Medicaid. Effective ~~July~~ ^{May} 1, 2003, when determining the eligibility of a pregnant woman, a child, or an aged, blind, or disabled individual, \$270 shall be deducted from the countable income of the filing unit. When determining the eligibility of the parent or caretaker relative as defined by Title XIX of the Social Security Act, the additional income disregard of \$270 does not apply. A family or person eligible under the coverage known as the “medically needy,” is eligible to receive the same services as other Medicaid recipients, with the exception of services in skilled nursing facilities and intermediate care facilities for the developmentally disabled.

Section 7. *The non-recurring sums of \$8,265,777 from the General Revenue Fund, \$2,505,224 from the Grants and Donations Trust Fund, and \$1,727,287 from the Medical Care Trust Fund are appropriated to the Agency for Health Care Administration to implement section 6 of this act during the 2002-2003 fiscal year. This section takes effect May 1, 2003.*

Section 8. Except as otherwise expressly provided, this act shall take July 1, 2003, but if it becomes a law after May 1, 2003, sections 6 and 7 of this act shall operate retroactively to that date.

And the title is amended as follows:

On page 1, lines 13 and 14, delete those lines and insert: parameters relating to mammograms; amending s. 409.904, F.S.; postponing the effective date of changes to standards for eligibility for certain optional medical assistance, including coverage under the medically needy pro-

gram; providing appropriations; providing for retroactive application; providing effective dates.

Pursuant to Rule 4.19, **CS for CS for SB 2678** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Miller—

CS for SB 606—A bill to be entitled An act relating to mandatory reports of child abuse, abandonment, or neglect; amending s. 39.201, F.S.; providing that certain persons who are employed or supervised by religious institutions or by entities affiliated with such institutions must report to the Department of Children and Family Services their knowledge or reasonable suspicion of child abuse, abandonment, or neglect; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 606** was placed on the calendar of Bills on Third Reading.

On motion by Senator Saunders—

CS for CS for SB’s 108 and 110—A bill to be entitled An act relating to protective injunctions; amending s. 784.046, F.S.; deleting the definition of the term “repeat violence” for purposes of protective injunctions; providing for an injunction for protection in cases of violence rather than in cases of repeat violence; providing requirements for a petition for protection against violence; redesignating the Domestic, Dating, and Repeat Violence Injunction Statewide Verification System in the Department of Law Enforcement as the “Violence Injunction Statewide Verification System”; providing for service of process and enforcement of an injunction for protection against violence; amending s. 784.047, F.S.; providing that it is a first-degree misdemeanor to violate an injunction for protection against violence; amending ss. 61.1825, 741.2901, 741.30, F.S., relating to the State Case Registry and domestic violence; providing for the award of attorney’s fees, costs, and certain other expenses in specified circumstances; conforming provisions to changes made by the act; amending s. 784.048, F.S.; revising the elements of the offense of aggravated stalking to prohibit certain acts following an injunction for protection against violence rather than following an injunction for protection against repeat violence; amending ss. 790.06, 790.065, F.S., relating to a license to carry a concealed weapon or firearm and the sale and delivery of firearms; conforming provisions to changes made by the act; amending s. 901.15, F.S.; authorizing arrest without a warrant when an officer has probable cause to believe that a person has knowingly committed an act of violence in violation of an injunction for protection from violence; amending s. 943.05, F.S., relating to the Criminal Justice Information Program; conforming provisions to changes made by the act; reenacting ss. 775.084(1)(d), 921.0022(3)(g), F.S., relating to violent career criminals and the offense severity ranking chart of the Criminal Punishment Code, to incorporate the amendment to s. 784.048, F.S., in references thereto; providing an effective date.

—was read the second time by title.

MOTION

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

Senator Saunders moved the following amendments which were adopted:

Amendment 1 (143194)—On page 35, line 29, delete “July” and insert: October

Amendment 2 (540600)(with title amendment)—On page 2, line 21, insert:

Section 1. *This act may be cited as the Tonda Soisson Protective Injunction Act of 2003.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 2, after the semicolon (;) insert: providing a short title

Pursuant to Rule 4.19, **CS for CS for SB's 108 and 110** 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 CS for SB 574** was withdrawn from the Committees on Appropriations Subcommittee on Transportation and Economic Development; and Appropriations.

SPECIAL ORDER CALENDAR, continued

On motion by Senator Lynn—

CS for SB 1554—A bill to be entitled An act relating to the licensure of child care homes and facilities; amending s. 402.310, F.S.; authorizing the Department of Children and Family Services or a local licensing agency to deny, suspend, or revoke the license of a child care facility, a licensed family day care home, or a large family child care home and to deny, suspend, or revoke the registration of a family day care home following a violation of certain laws or rules; amending s. 402.313, F.S.; abolishing the authority of the Department of Children and Family Services or a local licensing agency to impose an administrative fine for family day care homes; requiring the department to establish minimum safety standards for licensed family day care homes; amending s. 402.3131, F.S.; abolishing the authority of the Department of Children and Family Services or a local licensing agency to impose an administrative fine for large family child care homes; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1554** was placed on the calendar of Bills on Third Reading.

On motion by Senator Argenziano, by two-thirds vote **HB 75** was withdrawn from the Committees on Transportation; Governmental Oversight and Productivity; and Criminal Justice.

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

HB 75—A bill to be entitled An act relating to motor vehicles; amending s. 316.2398, F.S.; revising provisions that regulate the display or use of red lights on motor vehicles of volunteer firefighters or medical staff; providing an effective date.

—a companion measure, was substituted for **CS for SB 1558** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 75** was placed on the calendar of Bills on Third Reading.

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

On motion by Senator Lawson—

SB 1748—A bill to be entitled An act relating to wetland protection; amending s. 373.4145, F.S.; providing for an extension of time for the scheduled repeal of certain provisions pertaining to the Northwest Florida Water Management District; deleting certain obsolete provisions; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 1748** to **HB 623**.

Pending further consideration of **SB 1748** as amended, on motion by Senator Lawson, by two-thirds vote **HB 623** was withdrawn from the Committees on Natural Resources; Appropriations Subcommittee on General Government; and Appropriations.

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

HB 623—A bill to be entitled An act relating to the Northwest Florida Water Management District; amending s. 373.4145, F.S.; continuing the interim part IV permitting program for the Northwest Florida Water Management District; providing a future repeal of such interim program; removing obsolete provisions; providing an effective date.

—a companion measure, was substituted for **SB 1748** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 623** was placed on the calendar of Bills on Third Reading.

On motion by Senator Atwater—

CS for SB 2428—A bill to be entitled An act relating to insurance claims and premium payments; amending s. 627.4035, F.S.; providing for the payment of insurance premiums by a debit or credit card, automatic electronic funds transfer, or payroll deduction plan; amending s. 627.7015, F.S.; defining “claim” for purposes of alternative procedures for resolution of disputed property insurance claims; amending s. 627.901, F.S.; revising the limits on premium financing service charges; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 2428** to **HB 513**.

Pending further consideration of **CS for SB 2428** as amended, on motion by Senator Atwater, by two-thirds vote **HB 513** was withdrawn from the Committee on Banking and Insurance.

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

HB 513—A bill to be entitled An act relating to insurance claims and premium payments; amending s. 627.4035, F.S.; providing for the payment of insurance premiums by a debit or credit card, automatic electronic funds transfer, or payroll deduction plan; amending s. 627.7015, F.S.; defining “claim” for purposes of alternative procedures for resolution of disputed property insurance claims; amending s. 627.901, F.S.; revising limits on service charges for premium financing; providing an effective date.

—a companion measure, was substituted for **CS for SB 2428** as amended and by two-thirds vote read the second time by title.

MOTION

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

Senator Atwater moved the following amendment:

Amendment 1 (763356)(with title amendment)—Between lines 71 and 72, insert:

Section 4. Section 624.04, Florida Statutes, is amended to read:

624.04 “Person” defined.—“Person” includes an individual, insurer, company, association, organization, Lloyds, society, reciprocal insurer or interinsurance exchange, partnership, syndicate, business trust, corporation, agent, general agent, broker, ~~soleitor~~, service representative, adjuster, and every legal entity.

Section 5. Subsection (2) of section 624.303, Florida Statutes, is amended to read:

624.303 Seal; certified copies as evidence.—

(2) All certificates executed by the department, other than licenses of agents, ~~soleitors~~, or adjusters or similar licenses or permits, shall bear its seal.

Section 6. Paragraph (a) of subsection (2) of section 624.313, Florida Statutes, is amended to read:

624.313 Publications.—

(2) The department may prepare and have printed and published in pamphlet or book form the following:

(a) As needed, questions and answers for the use of persons applying for an examination for licensing as agents or solicitors for property, casualty, surety, health, and miscellaneous insurers.

Section 7. Subsection (2) of section 624.317, Florida Statutes, is amended to read:

624.317 Investigation of agents, adjusters, administrators, service companies, and others.—If it has reason to believe that any person has violated or is violating any provision of this code, or upon the written complaint signed by any interested person indicating that any such violation may exist, the department shall conduct such investigation as it deems necessary of the accounts, records, documents, and transactions pertaining to or affecting the insurance affairs of any:

(2) Insurance agent or; customer representative, or solicitor, subject to the requirements of s. 626.601.

Section 8. Section 624.34, Florida Statutes, is amended to read:

624.34 Authority of Department of Law Enforcement to accept fingerprints of, and exchange criminal history records with respect to, certain persons.—

(1) The Department of Law Enforcement may accept fingerprints of organizers, incorporators, subscribers, officers, stockholders, directors, or any other persons involved, directly or indirectly, in the organization, operation, or management of:

(a) Any insurer or proposed insurer transacting or proposing to transact insurance in this state.

(b) Any other entity which is examined or investigated or which is eligible to be examined or investigated under the provisions of the Florida Insurance Code.

(2) The Department of Law Enforcement may accept fingerprints of individuals who apply for a license as an agent, customer representative, adjuster, service representative, or managing general agent or the fingerprints of the majority owner, sole proprietor, partners, officers, and directors of a corporation or other legal entity that applies for licensure with the department under the provisions of the Florida Insurance Code.

(3) The Department of Law Enforcement may, to the extent provided for by federal law, exchange state, multistate, and federal criminal history records with the department and the office for the purpose of the issuance, denial, suspension, or revocation of a certificate of authority, certification, or license to operate in this state.

(4) The Department of Law Enforcement may accept fingerprints of any other person required by statute or rule to submit fingerprints to the department or office or any applicant or licensee regulated by the department or office who is required to demonstrate that he or she has not been convicted of or pled guilty or nolo contendere to a felony or a misdemeanor.

(5) The Department of Law Enforcement shall, upon receipt of fingerprints from the department or office, submit the fingerprints to the Federal Bureau of Investigation to check federal criminal history records.

(6) Statewide criminal records obtained through the Department of Law Enforcement, federal criminal records obtained through the Federal Bureau of Investigation, and local criminal records obtained through local law enforcement agencies shall be used by the department and office for the purpose of issuance, denial, suspension, or revocation of certificates of authority, certifications, or licenses issued to operate in this state.

Section 9. Paragraph (b) of subsection (6) of section 624.501, Florida Statutes, is amended, and subsection (28) is added to that section, to read:

624.501 Filing, license, appointment, and miscellaneous fees.—The department shall collect in advance, and persons so served shall pay to it in advance, fees, licenses, and miscellaneous charges as follows:

(6) Insurance representatives, property, marine, casualty, and surety insurance.

(b) ~~Solicitor's or~~ Customer representative's original appointment and biennial renewal or continuation thereof:

Appointment fee....\$42.00

State tax....12.00

County tax....6.00

Total....\$60.00

(28) Late filing of appointment renewals for agents, adjusters, and other insurance representatives, each appointment....\$20.00

Section 10. Section 624.504, Florida Statutes, is amended to read:

624.504 Liability for state, county tax.—

(1) Each authorized insurer that uses insurance agents in this state shall be liable for and shall pay the state and county taxes required therefor under s. 624.501 or s. 624.505.

~~(2) Each insurance agent in this state that uses solicitors shall be liable for and shall pay the state and county taxes required therefor under s. 624.501.~~

Section 11. Subsection (1) of section 624.506, Florida Statutes, is amended to read:

624.506 County tax; deposit and remittance.—

(1) The Insurance Commissioner and Treasurer shall deposit in the Agents and Solicitors County Tax Trust Fund all moneys accepted as county tax under this part. She or he shall keep a separate account for all moneys so collected for each county and, after deducting therefrom the service charges provided for in s. 215.20, shall remit the balance to the counties.

Section 12. Subsection (1) of section 624.521, Florida Statutes, is amended to read:

624.521 Deposit of certain tax receipts; refund of improper payments.—

(1) The Department of Insurance shall promptly deposit in the State Treasury to the credit of the Insurance Commissioner's Regulatory Trust Fund all "state tax" portions of agents' and solicitors' licenses collected under s. 624.501 necessary to fund the Division of Insurance Fraud. The balance of the tax shall be credited to the General Fund. All moneys received by the Department of Insurance not in accordance with the provisions of this code or not in the exact amount as specified by the applicable provisions of this code shall be returned to the remitter. The records of the department shall show the date and reason for such return.

Section 13. Section 626.015, Florida Statutes, is amended to read:

626.015 Definitions.—As used in this part:

(1) "Adjuster" means a public adjuster as defined in s. 626.854, independent adjuster as defined in s. 626.855, or company employee adjuster as defined in s. 626.856.

~~(2) "Administrative agent" means a life agent or health agent who:~~

~~(a) Is employed by a full-time licensed life agent or health agent who shall supervise and be accountable for the actions of the administrative agent.~~

~~(b) Performs primarily administrative functions.~~

~~(c) Receives no insurance commissions.~~

~~(d) Does not solicit or transact business outside of the confines of an insurance agency office.~~

(2)(3) "Agent" means a general lines agent, life agent, health agent, or title agent, or all such agents, as indicated by context. The term

“agent” includes an insurance producer or producer, but does not include a customer representative, limited customer representative, or service representative.

(3)(4) “Appointment” means the authority given by an insurer or employer to a licensee to transact insurance or adjust claims on behalf of an insurer or employer.

(4)(5) “Customer representative” means an individual appointed by a general lines agent or agency to assist that agent or agency in transacting the business of insurance from the office of that agent or agency.

(5)(6) “Department” means the Department of Insurance.

(6)(7) “General lines agent” means an agent transacting any one or more of the following kinds of insurance:

(a) Property insurance.

(b) Casualty insurance, including commercial liability insurance underwritten by a risk retention group, a commercial self-insurance fund as defined in s. 624.462, or a workers’ compensation self-insurance fund established pursuant to s. 624.4621.

(c) Surety insurance.

(d) Health insurance, when transacted by an insurer also represented by the same agent as to property or casualty or surety insurance.

(e) Marine insurance.

(7)(8) “Health agent” means an agent representing a health maintenance organization or, as to health insurance only, an insurer transacting health insurance.

(8)(9) “Home state” means the District of Columbia and any state or territory of the United States in which an insurance agent maintains his or her principal place of residence and is licensed to act as an insurance agent.

(9)(10) “Insurance agency” means a business location at which an individual, firm, partnership, corporation, association, or other entity, other than an employee of the individual, firm, partnership, corporation, association, or other entity and other than an insurer as defined by s. 624.03 or an adjuster as defined by subsection (1), engages in any activity or employs individuals to engage in any activity which by law may be performed only by a licensed insurance agent.

(10)(11) “License” means a document issued by the department authorizing a person to be appointed to transact insurance or adjust claims for the kind, line, or class of insurance identified in the document.

(11)(12) “Life agent” means an individual representing an insurer as to life insurance and annuity contracts, including agents appointed to transact life insurance, fixed-dollar annuity contracts, or variable contracts by the same insurer.

(12)(13) “Limited customer representative” means a customer representative appointed by a general lines agent or agency to assist that agent or agency in transacting only the business of private passenger motor vehicle insurance from the office of that agent or agency. A limited customer representative is subject to the Florida Insurance Code in the same manner as a customer representative, unless otherwise specified.

(13)(14) “Limited lines insurance” means those categories of business specified in ss. 626.321 and 635.011.

(14)(15) “Line of authority” means a kind, line, or class of insurance an agent is authorized to transact.

(15)(16)(a) “Managing general agent” means any person managing all or part of the insurance business of an insurer, including the management of a separate division, department, or underwriting office, and acting as an agent for that insurer, whether known as a managing general agent, manager, or other similar term, who, with or without authority, separately or together with affiliates, produces directly or indirectly, or underwrites an amount of gross direct written premium equal to or more than 5 percent of the policyholder surplus as reported in the last annual statement of the insurer in any single quarter or year and also does one or more of the following:

1. Adjusts or pays claims.

2. Negotiates reinsurance on behalf of the insurer.

(b) The following persons shall not be considered managing general agents:

1. An employee of the insurer.

2. A United States manager of the United States branch of an alien insurer.

3. An underwriting manager managing all the insurance operations of the insurer pursuant to a contract, who is under the common control of the insurer subject to regulation under ss. 628.801-628.803, and whose compensation is not based on the volume of premiums written.

4. Administrators as defined by s. 626.88.

5. The attorney in fact authorized by and acting for the subscribers of a reciprocal insurer under powers of attorney.

(16)(17) “Resident” means an individual domiciled and residing in this state.

(17)(18) “Service representative” means an individual employed by an insurer or managing general agent for the purpose of assisting a general lines agent in negotiating and effecting insurance contracts when accompanied by a licensed general lines agent. A service representative shall not be simultaneously licensed as a general lines agent in this state. This subsection does not apply to life insurance.

(18)(19) “Uniform application” means the uniform application of the National Association of Insurance Commissioners for nonresident agent licensing, effective January 15, 2001, or subsequent versions adopted by rule by the department.

Section 14. Subsection (1) of section 626.022, Florida Statutes, is amended to read:

626.022 Scope of part.—

(1) This part applies as to insurance agents, ~~solicitors~~, service representatives, adjusters, and insurance agencies; as to any and all kinds of insurance; and as to stock insurers, mutual insurers, reciprocal insurers, and all other types of insurers, except that:

(a) It does not apply as to reinsurance, except that ss. 626.011-626.031, ss. 626.102-626.181, ss. 626.191-626.211, ss. 626.291-626.301, s. 626.331, ss. 626.342-626.521, ss. 626.541-626.591, and ss. 626.601-626.711 shall apply as to reinsurance intermediaries as defined in s. 626.7492.

(b) The applicability of this chapter as to fraternal benefit societies shall be as provided in chapter 632.

(c) It does not apply to a bail bond agent, as defined in s. 648.25, except as provided in chapter 648 or chapter 903.

(d) This part does not apply to a certified public accountant licensed under chapter 473 who is acting within the scope of the practice of public accounting, as defined in s. 473.302, provided that the activities of the certified public accountant are limited to advising a client of the necessity of obtaining insurance, the amount of insurance needed, or the line of coverage needed, and provided that the certified public accountant does not directly or indirectly receive or share in any commission or referral fee, ~~or solicitor’s fee~~.

Section 15. Paragraph (a) of subsection (7) of section 626.112, Florida Statutes, is amended to read:

626.112 License and appointment required; agents, customer representatives, adjusters, insurance agencies, service representatives, managing general agents.—

(7)(a) No individual, firm, partnership, corporation, association, or any other entity shall act in its own name or under a trade name, directly or indirectly, as an insurance agency, when required to be licensed by this subsection, unless it complies with s. 626.172 with respect to possessing an insurance agency license for each place of business at which

it engages in any activity which may be performed only by a licensed insurance agent or solicitor.

Section 16. Paragraph (a) of subsection (2) and subsection (5) of section 626.171, Florida Statutes, are amended to read:

626.171 Application for license.—

(2) In the application, the applicant shall set forth:

(a) His or her full name, age, social security number, residence *address, and place of business address, and mailing address.*

(5) An application for a license as an agent, customer representative, adjuster, insurance agency, service representative, managing general agent, or reinsurance intermediary must be accompanied by a set of the individual applicant's fingerprints, or, if the applicant is not an individual, by a set of the fingerprints of the sole proprietor, majority owner, partners, officers, and directors, on a form adopted by rule of the department and accompanied by the fingerprint processing fee set forth in s. 624.501. *Fingerprints shall be used to investigate the applicant's qualifications pursuant to s. 626.201.* The fingerprints shall be *taken certified* by a law enforcement agency or other department-approved entity ~~officer~~.

Section 17. Subsection (1) of section 626.175, Florida Statutes, is amended to read:

626.175 Temporary licensing.—

(1) The department may issue a nonrenewable temporary license for a period not to exceed 6 months authorizing appointment of a general lines insurance agent or a life agent, or an industrial fire or burglary agent, subject to the conditions described in this section. The fees paid for a temporary license and appointment shall be as specified in s. 624.501. Fees paid shall not be refunded after a temporary license has been issued.

(a) *An applicant for a temporary license must be:*

1. *A natural person at least 18 years of age.*

2. *A United States citizen or legal alien who possesses work authorization from the United States Immigration and Naturalization Service.*

(b)(~~a~~)1. In the case of a general lines agent, the department may issue a temporary license to an employee, a family member, a business associate, or a personal representative of a licensed general lines agent for the purpose of continuing or winding up the business affairs of the agent or agency in the event the licensed agent has died or become unable to perform his or her duties because of military service or illness or other physical or mental disability, subject to the following conditions:

a. No other individual connected with the agent's business may be licensed as a general lines agent.

b. The proposed temporary licensee shall be qualified for a regular general lines agent license under this code except as to residence, examination, education, or experience.

c. Application for the temporary license shall have been made by the applicant upon statements and affidavit filed with the department on forms prescribed and furnished by the department.

d. Under a temporary license and appointment, the licensee shall not represent any insurer not last represented by the agent being replaced and shall not be licensed or appointed as to any additional kind, line, or class of insurance other than those covered by the last existing agency appointments of the replaced agent. If an insurer withdraws from the agency during the temporary license period, the temporary licensee may be appointed by another similar insurer but only for the period remaining under the temporary license.

2. A regular general lines agent license may be issued to a temporary licensee upon meeting the qualifications for a general lines agent license under s. 626.731.

(c)(~~b~~) In the case of a life agent, the department may issue a temporary license:

1. To the executor or administrator of the estate of a deceased individual licensed and appointed as a life agent at the time of death;

2. To a surviving next of kin of the deceased individual, if no administrator or executor has been appointed and qualified; however, any license and appointment under this subparagraph shall be canceled upon issuance of a license to an executor or administrator under subparagraph 1.; or

3. To an individual otherwise qualified to be licensed as an agent who has completed the educational or training requirements prescribed in s. 626.7851 and has successfully sat for the required examination prior to termination of such 6-month period. The department may issue this temporary license only in the case of a life agent to represent an insurer of the industrial or ordinary-combination class.

(d)(~~e~~) In the case of a limited license authorizing appointment as an industrial fire or burglary agent, the department may issue a temporary license to an individual otherwise qualified to be licensed as an agent who has completed the educational or training requirements prescribed in s. 626.732 and has successfully sat for the required examination prior to termination of the 6-month period.

Section 18. Section 626.202, Florida Statutes, is amended to read:

626.202 Fingerprinting requirements.—If there is a change in ownership or control of any entity licensed under this chapter, or if a new partner, officer, or director is employed or appointed, a set of fingerprints of the new owner, partner, officer, or director must be filed with the department within 30 days after the change. The acquisition of 10 percent or more of the voting securities of a licensed entity is considered a change of ownership or control. The fingerprints must be *taken certified* by a law enforcement agency or other department-approved entity ~~officer~~ and be accompanied by the fingerprint processing fee in s. 624.501.

Section 19. Section 626.201, Florida Statutes, is amended to read:

626.201 Investigation.—

(1) The department may propound any reasonable interrogatories in addition to those contained in the application, to any applicant for license or appointment, or on any renewal, reinstatement, or continuation thereof, relating to his or her qualifications, residence, prospective place of business, and any other matter which, in the opinion of the department, is deemed necessary or advisable for the protection of the public and to ascertain the applicant's qualifications.

(2) The department may, upon completion of the application, make such further investigation as it may deem advisable of the applicant's character, experience, background, and fitness for the license or appointment. Such an inquiry or investigation shall be in addition to any examination required to be taken by the applicant as hereinafter in this chapter provided.

(3) *An inquiry or investigation of the applicant's qualifications, character, experience, background, and fitness must include submission of the applicant's fingerprints to the Department of Law Enforcement and the Federal Bureau of Investigation and consideration of any state criminal records, federal criminal records, or local criminal records obtained from these agencies or from local law enforcement agencies.*

Section 20. Paragraphs (e), (f), (g), and (k) of subsection (2) of section 626.221, Florida Statutes, are amended to read:

626.221 Examination requirement; exemptions.—

(2) However, no such examination shall be necessary in any of the following cases:

(e) An individual who qualified as a managing general agent, service representative, customer representative, or all-lines adjuster by passing a general lines agent's examination and subsequently was licensed and appointed and has been actively engaged in all lines of property and casualty insurance may, upon filing an application for appointment, be licensed and appointed as a general lines agent for the same kinds of business without taking another examination if he or she holds any such currently effective license referred to in this paragraph or held the license within ~~48~~ 24 months prior to the date of filing the application with the department.

(f) A person who has been licensed and appointed by the department as a public adjuster or independent adjuster, or licensed and appointed either as an agent or company adjuster as to all property, casualty, and surety insurances, may be licensed and appointed as a company adjuster as to any of such insurances, or as an independent adjuster or public adjuster, without additional written examination if an application for appointment is filed with the department within 48 24 months following the date of cancellation or expiration of the prior appointment.

(g) A person who has been licensed by the department as an adjuster for motor vehicle, property and casualty, workers' compensation, and health insurance may be licensed as such an adjuster without additional written examination if his or her application for appointment is filed with the department within 48 24 months after cancellation or expiration of the prior license.

(k) An applicant for license as a customer representative who has the designation of Accredited Advisor in Insurance (AAI) from the Insurance Institute of America, the designation of Certified Insurance Counselor (CIC) from the Society of Certified Insurance Service Counselors, the designation of Accredited Customer Service Representative (ACSR) from the Independent Insurance Agents of America, the designation of Certified Professional Service Representative (CPSR) from the National Foundation for Certified Professional Service Representatives Association of Professional Insurance Agents, the designation of Certified Insurance Service Representative (CISR) from the Society of Certified Insurance Service Representatives. Also, an applicant for license as a customer representative who has the designation of Certified Customer Service Representative (CCSR) from the Florida Association of Insurance Agents, or the designation of Registered Customer Service Representative (RCSR) from a regionally accredited postsecondary institution in this state, or the designation of Professional Customer Service Representative (PCSR) from the Professional Career Institute, whose curriculum has been approved by the department and whose curriculum includes comprehensive analysis of basic property and casualty lines of insurance and testing at least equal to that of standard department testing for the customer representative license. The department shall adopt rules establishing standards for the approval of curriculum.

Section 21. Paragraphs (a), (c), and (d) of subsection (3), paragraphs (a), (b), (c), (d), (g), (h), and (i) of subsection (4), and paragraph (b) of subsection (6) of section 626.2815, Florida Statutes, are amended to read:

626.2815 Continuing education required; application; exceptions; requirements; penalties.—

(3)(a) Each person subject to the provisions of this section must, except as set forth in paragraphs (b) and (c), complete a minimum of 24 28 hours of continuing education courses every 2 years in basic or higher-level courses prescribed by this section or in other courses approved by the department. Each person subject to the provisions of this section must complete, as part of *his or her* ~~their~~ required number of continuing education hours, *3 hours of continuing education, approved by the department, every 2 years on the subject matter of ethics and a minimum of 2 hours of continuing education, approved by the department, every 2 years on the subject matter of unauthorized entities engaging in the business of insurance.* The scope of the topic of unauthorized entities shall include the Florida Nonprofit Multiple Employer Welfare Arrangement Act and the Employee Retirement Income Security Act, 29 U.S.C. ss. 1001 et seq., as it relates to the provision of health insurance by employers to their employees and the regulation thereof.

(c) A licensee who has been licensed for 25 years or more and is a CLU or a CPCU or has a Bachelor of Science degree in risk management or insurance with evidence of 18 or more semester hours in upper-level insurance-related courses must complete 12 14 hours of continuing education courses every 2 years in courses prescribed by this section or in other courses approved by the department, except, for compliance periods beginning January 1, 1998, the licensees described in this paragraph shall be required to complete 10 hours of continuing education courses every 2 years.

(d) Any person who holds a license as a customer representative, limited customer representative, ~~administrative agent~~, title agent, motor vehicle physical damage and mechanical breakdown insurance agent, crop or hail and multiple-peril crop insurance agent, or as an industrial fire insurance or burglary insurance agent and who is not a

licensed life or health insurance agent, shall be required to complete 12 14 hours of continuing education courses every 2 years, except, for compliance periods beginning on January 1, 1998, each licensee subject to this paragraph shall be required to complete 10 hours of continuing education courses every 2 years.

(4) The following courses may be completed in order to meet the continuing education course requirements:

(a) Any part of the Life Underwriter Training Council Life Course Curriculum: 24 28 hours; Health Course: 12 14 hours.

(b) Any part of the American College "CLU" diploma curriculum: 24 28 hours.

(c) Any part of the Insurance Institute of America's program in general insurance: 12 14 hours.

(d) Any part of the American Institute for Property and Liability Underwriters' Chartered Property Casualty Underwriter (CPCU) professional designation program: 24 28 hours.

(g) In the case of title agents, completion of the Certified Land Closer (CLC) professional designation program and receipt of the designation: 24 28 hours.

(h) In the case of title agents, completion of the Certified Land Searcher (CLS) professional designation program and receipt of the designation: 24 28 hours.

(i) Any insurance-related course which is approved by the department and taught by an accredited college or university per credit hour granted: 12 14 hours.

(6)

(b) The board members shall be appointed as follows:

1. Seven members representing agents of which at least one must be a representative from each of the following organizations: the Florida Association of Insurance Agents; the Florida Association of *Insurance and Financial Advisors Life Underwriters*; the Professional Insurance Agents of Florida, Inc.; the Florida Association of Health Underwriters; the Specialty Agents' Association; the Latin American Agents' Association; and the National Association of Insurance Women. Such board members must possess at least a bachelor's degree or higher from an accredited college or university with major coursework in insurance, risk management, or education or possess the designation of CLU, CPCU, CHFC, CFP, AAI, or CIC. In addition, each member must possess 5 years of classroom instruction experience or 5 years of experience in the development or design of educational programs or 10 years of experience as a licensed resident agent. Each organization may submit to the department a list of recommendations for appointment. If one organization does not submit a list of recommendations, the Insurance Commissioner may select more than one recommended person from a list submitted by other eligible organizations.

2. Two members representing insurance companies at least one of whom must represent a Florida Domestic Company and one of whom must represent the Florida Insurance Council. Such board members must be employed within the training department of the insurance company. At least one such member must be a member of the Society of Insurance Trainers and Educators.

3. One member representing the general public who is not directly employed in the insurance industry. Such board member must possess a minimum of a bachelor's degree or higher from an accredited college or university with major coursework in insurance, risk management, training, or education.

4. One member, appointed by the Insurance Commissioner, who represents the department.

Section 22. Section 626.2816, Florida Statutes, is amended to read:

626.2816 Regulation of continuing education for licensees, course providers, instructors, school officials, and monitor groups.—

(1) Continuing education course providers, instructors, school officials, and monitor groups must be approved by the department before

offering continuing education courses pursuant to s. 626.2815 or s. 626.869.

(2) The department shall adopt rules establishing standards for the approval, regulation, and operation of the continuing education programs and for the discipline of licensees, course providers, instructors, school officials, and monitor groups. The standards must be designed to ensure that such course providers, instructors, school officials, and monitor groups have the knowledge, competence, and integrity to fulfill the educational objectives of ss. 626.2815, 626.869(5), 648.385, and 648.386.

(3) The department shall adopt rules establishing a process by which compliance with the continuing education requirements of ss. 626.2815, 626.869(5), 648.385, and 648.386 can be determined, the establishment of a continuing education ~~compliance period requirement cycle~~ for licensees, and forms necessary to implement such a process.

Section 23. Subsection (3) of section 626.2817, Florida Statutes, is amended to read:

626.2817 Regulation of course providers, instructors, school officials, and monitor groups involved in precicensure education for insurance agents and other licensees.—

(3) The department shall adopt rules to establish a process for determining compliance with the precicensure requirements of this chapter and chapter 648 and shall establish a precicensure cycle for insurance agents and other licensees. The department shall adopt rules prescribing the forms necessary to administer the precicensure requirements.

Section 24. Subsections (5) and (6) are added to section 626.311, Florida Statutes, to read:

626.311 Scope of license.—

(5) *At any time while a license is in force, an insurer may apply to the department on behalf of the licensee for an appointment. Upon receipt of the appointment application and appointment taxes and fees, the department may issue the additional appointment without further investigation concerning the applicant.*

(6) *The department may contract with other persons to administer the appointment process.*

Section 25. Paragraphs (a) and (e) of subsection (1) and subsections (2) and (3) of section 626.321, Florida Statutes, are amended to read:

626.321 Limited licenses.—

(1) The department shall issue to a qualified individual, or a qualified individual or entity under paragraphs (c), (d), (e), and (i), a license as agent authorized to transact a limited class of business in any of the following categories:

(a) Motor vehicle physical damage and mechanical breakdown insurance.—License covering insurance against only the loss of or damage to any motor vehicle which is designed for use upon a highway, including trailers and semitrailers designed for use with such vehicles. Such license also covers insurance against the failure of an original or replacement part to perform any function for which it was designed. The applicant for such a license shall pass a written examination covering motor vehicle physical damage insurance and mechanical breakdown insurance. No individual while so licensed shall hold a license as an agent or solicitor as to any other or additional kind or class of insurance coverage except as to a limited license for credit life and disability insurances as provided in paragraph(e).

(e) Credit life or disability insurance.—License covering only credit life or disability insurance. The license may be issued only to an individual employed by a life or health insurer as an officer or other salaried or commissioned representative, to an individual employed by or associated with a lending or financial institution or creditor, or to a lending or financial institution or creditor, and may authorize the sale of such insurance only with respect to borrowers or debtors of such lending or financing institution or creditor. However, only the individual or entity whose tax identification number is used in receiving or is credited with receiving the commission from the sale of such insurance shall be the licensed agent of the insurer. No individual while so licensed shall hold a license as an agent or solicitor as to any other or additional kind or

class of life or health insurance coverage. An entity holding a limited license under this paragraph is also authorized to sell credit insurance and credit property insurance. ~~An entity applying for a license under this section:~~

~~1.—Is required to submit only one application for a license under s. 626.171. The requirements of s. 626.171(5) shall only apply to the officers and directors of the entity submitting the application.~~

~~2.—Is required to obtain a license for each office, branch office, or place of business making use of the entity's business name by applying to the department for the license on a simplified form developed by rule of the department for this purpose.~~

~~3.—Is not required to pay any additional application fees for a license issued to the offices or places of business referenced in subsection(2), but is required to pay the license fee as prescribed in s. 624.501, be appointed under s. 626.112, and pay the prescribed appointment fee under s. 624.501. The license obtained under this paragraph shall be posted at the business location for which it was issued so as to be readily visible to prospective purchasers of such coverage.~~

(2) *An entity applying for a license under this section is required to:*

(a) *Submit only one application for a license under s. 626.171. The requirements of s. 626.171(5) shall only apply to the officers and directors of the entity submitting the application.*

(b) *Obtain a license for each office, branch office, or place of business making use of the entity's business name by applying to the department for the license on a simplified application form developed by rule of the department for this purpose.*

(c) *Pay the applicable fees for a license as prescribed in s. 624.501, be appointed under s. 626.112, and pay the prescribed appointment fee under s. 624.501. A licensed and appointed entity shall be directly responsible and accountable for all acts of the licensee's employees.*

(3)(2) The limitations of any license issued under this section shall be expressed therein. The licensee shall have a separate and additional appointment as to each insurer represented.

(4)(3) Except as otherwise expressly provided, an individual applying for or holding a limited license shall be subject to the same applicable requirements and responsibilities as apply to general lines agents in general, if licensed as to motor vehicle physical damage and mechanical breakdown insurance, credit property insurance, industrial fire insurance or burglary insurance, in-transit and storage personal property insurance, communications equipment property insurance or communications equipment inland marine insurance, baggage and motor vehicle excess liability insurance, or credit insurance; or as apply to life agents or health agents in general, as the case may be, if licensed as to personal accident insurance or credit life or credit disability insurance.

Section 26. Section 626.322, Florida Statutes, is amended to read:

626.322 License, appointment; certain military installations.—A natural person, not a resident of this state, may be licensed and appointed to represent an authorized life insurer domiciled in this state or an authorized foreign life insurer which maintains a regional home office in this state, provided such person represents such insurer exclusively at a United States military installation located in a foreign country. The department may, upon request of the applicant and the insurer on application forms furnished by the department and upon payment of fees as prescribed in s. 624.501, issue a license and appointment to such person. *By authorizing the effectuation of an appointment for a license, the insurer is thereby certifying shall certify* to the department that the applicant has the necessary training to hold himself or herself out as a life insurance representative, and the insurer shall further certify that it is willing to be bound by the acts of such applicant within the scope of his or her employment. Appointments shall be continued as prescribed in s. 626.381 and upon payment of a fee as prescribed in s. 624.501, unless sooner terminated. Such fees received shall be credited to the Insurance Commissioner's Regulatory Trust Fund as provided for in s. 624.523.

Section 27. Section 626.341, Florida Statutes, is amended to read:

626.341 Additional appointments; general lines, life, and health agents.—

(1) At any time while a licensee's license is in force, an insurer may apply to the department or person designated by the department to administer the appointment process on behalf of a licensee for an additional appointment as general lines agent or life or health agent for an additional insurer or insurers. The application for appointment shall set forth all information the department may require. Upon receipt of the appointment and payment of the applicable appointment taxes and fees, the department may issue the additional appointment without, in its discretion, further investigation concerning the applicant.

(2) A life or health agent with an appointment in force may solicit applications for policies of insurance on behalf of an insurer with respect to which he or she is not an appointed life or health agent, unless otherwise provided by contract, if such agent simultaneously with the submission to such insurer of the application for insurance solicited by him or her requests the insurer to appoint him or her as agent. However, no commissions shall be paid by such insurer to the agent until such time as an additional appointment with respect to such insurer has been received by the department or person designated by the department to administer the appointment process pursuant to the provisions of subsection (1).

Section 28. Section 626.371, Florida Statutes, is amended to read:

626.371 Payment of fees, taxes for appointment period without appointment.—

(1) All initial appointments shall be submitted to the department on a monthly basis no later than 45 days after the date of appointment and become effective on the date requested on the appointment form.

(2) If, upon application and qualification for an initial or renewal appointment and such investigation as the department may make, it appears to the department that an individual who was formerly licensed or is currently licensed but not properly appointed to represent an insurer or employer and who has been actively engaged or is currently actively engaged as such an appointee, but without being appointed as required, the department may, if it finds that such failure to be appointed was an inadvertent error on the part of the insurer or employer so represented, nevertheless issue or authorize the issuance of the appointment as applied for but subject to the condition that, before the appointment is issued, all fees and taxes which would have been due had the applicant been so appointed during such current and prior periods, together with applicable fees pursuant to s. 624.501 a continuation fee for such current and prior periods terms of appointment, shall be paid to the department.

(3)(a) Failure to notify the department within the required time period shall result in the appointing entity being assessed a delinquent fee of \$250 per appointee. Delinquent fees shall be paid by the appointing entity and may not be charged to the appointee.

(b) Failure to timely renew an appointment by an appointing entity prior to the expiration date of the appointment shall result in the appointing entity being assessed late filing, continuation, and reinstatement fees as prescribed in s. 624.501. Such fees must be paid by the appointing entity and cannot be charged back to the appointee.

Section 29. Subsections (3) and (4) of section 626.381, Florida Statutes, are amended and a new subsection (7) is added to that section to read:

626.381 Renewal, continuation, reinstatement, or termination of appointment.—

(3) Renewal of an appointment which is received on a date set forth by the department or person designated by the department to administer the appointment process prior to the expiration of an appointment in the licensee's birth month or license issue date, whichever applies, in the succeeding month may be renewed by the department without penalty and shall be effective as of the first day of the month succeeding the month in which the appointment would have expired.

(4) Renewal of an appointment which is received by the department or person designated by the department to administer the appointment process after the renewal date set by the department may be accepted and effectuated by the department in its discretion if the an additional appointment, late filing, continuation, and reinstatement fee accompanies the renewal request pursuant to s. 624.501. Late filing fees shall be paid by the appointing entity and may not be charged to the appointee.

(7) The department may adopt rules to implement this section.

Section 30. Subsections (1), (2), and (3) of section 626.451, Florida Statutes, are amended, and subsection (7) is added to that section, to read:

626.451 Appointment of agent or other representative.—

(1) Each appointing entity or person designated by the department to administer the appointment process appointing an agent, adjuster, service representative, customer representative, or managing general agent in this state shall file the appointment with the department and, at the same time, pay the applicable appointment fee and taxes. Every appointment shall be subject to the prior issuance of the appropriate agent's, adjuster's, service representative's, customer representative's, or managing general agent's license.

(2) By authorizing the effectuation of an appointment for a licensee, the appointing entity is thereby certifying to the department that an investigation of the licensee has been made. As a part of each appointment there shall be a certified statement or affidavit of an appropriate officer or official of the appointing entity stating what investigation the appointing entity has made concerning the proposed appointee and his or her background and that in the appointing entity's opinion and to the best of its knowledge and belief, the licensee is of good as to the moral character and reputation, and is fit to engage in the insurance business. The appointing entity shall provide to the department fitness, and reputation of the proposed appointee and any other information the department may reasonably require relative to the proposed appointee.

(3) By authorizing the effectuation of in the appointment of an agent, adjuster, service representative, customer representative, or managing general agent the appointing entity is thereby certifying to the department shall also certify therein that it is willing to be bound by the acts of the agent, adjuster, service representative, customer representative, or managing general agent, within the scope of the licensee's his or her employment.

(7) Each licensee shall advise the department in writing within 30 days after having been found guilty of or having pleaded guilty or nolo contendere to a felony or a crime punishable by imprisonment of 1 year or more under the laws of the United States, any state of the United States, or any other country, without regard to whether a judgment of conviction has been entered by the court having jurisdiction of such cases.

Section 31. Section 626.461, Florida Statutes, is amended to read:

626.461 Continuation of appointment of agent or other representative.—Subject to renewal or continuation by the appointing entity, the appointment of the agent, adjuster, solicitor, service representative, customer representative, or managing general agent shall continue in effect until the person's license is revoked or otherwise terminated, unless written notice of earlier termination of the appointment is filed with the department or person designated by the department to administer the appointment process by either the appointing entity or the appointee.

Section 32. Subsections (4) and (5) of section 626.471, Florida Statutes, are amended to read:

626.471 Termination of appointment.—

(4) An appointee may terminate the appointment at any time by giving written or electronic notice thereof to the appointing entity, and filing a copy of the notice with the department, or person designated by the department to administer the appointment process. The department shall immediately terminate the appointment and notify the appointing entity of such termination. Such termination shall be subject to the appointee's contract rights, if any.

(5) Upon receiving notice of termination, the department or person designated by the department to administer the appointment process shall terminate the appointment.

Section 33. Subsection (5) of section 626.601, Florida Statutes, is amended to read:

626.601 Improper conduct; inquiry; fingerprinting.—

(5) If the department, after investigation, has reason to believe that a licensee may have been found guilty of or pleaded guilty or nolo con-

tendere to a felony or a crime related to the business of insurance in this or any other state or jurisdiction, the department may require the licensee to file with the department a complete set of his or her fingerprints, which shall be accompanied by the fingerprint processing fee set forth in s. 624.501. The fingerprints shall be ~~certified~~ by an authorized law enforcement agency or other department-approved entity ~~officer~~.

Section 34. Paragraph (b) of subsection (1) of section 626.731, Florida Statutes, is amended to read:

626.731 Qualifications for general lines agent's license.—

(1) The department shall not grant or issue a license as general lines agent to any individual found by it to be untrustworthy or incompetent or who does not meet each of the following qualifications:

(b) The applicant is a *United States citizen or legal alien who possesses work authorization from the United States Immigration and Naturalization Service and is a bona fide resident of this state*. An individual who is a bona fide resident of this state shall be deemed to meet the residence requirement of this paragraph, notwithstanding the existence at the time of application for license of a license in his or her name on the records of another state as a resident licensee of such other state, if the applicant furnishes a letter of clearance satisfactory to the department that the resident licenses have been canceled or changed to a nonresident basis and that he or she is in good standing.

Section 35. Subsection (2) of section 626.7315, Florida Statutes, is amended to read:

626.7315 Prohibition against the unlicensed transaction of general lines insurance.—With respect to any line of authority as defined in s. 626.015(7), no individual shall, unless licensed as a general lines agent:

(2) In this state, receive or issue a receipt for any money on account of or for any insurer, or receive or issue a receipt for money from other persons to be transmitted to any insurer for a policy, contract, or certificate of insurance or any renewal thereof, even though the policy, certificate, or contract is not signed by him or her as agent or representative of the insurer, *except as provided in s. 626.0428(1)*;

Section 36. Paragraphs (a), (b), and (d) of subsection (1) of section 626.732, Florida Statutes, are amended to read:

626.732 Requirement as to knowledge, experience, or instruction.—

(1) Except as provided in subsection (3), no applicant for a license as a general lines agent, except for a chartered property and casualty underwriter (CPCU), other than as to a limited license as to baggage and motor vehicle excess liability insurance, credit property insurance, credit insurance, in-transit and storage personal property insurance, or communications equipment property insurance or communication equipment inland marine insurance, shall be qualified or licensed unless within the 4 years immediately preceding the date the application for license is filed with the department the applicant has:

(a) Taught or successfully completed classroom courses in insurance, *3 hours of which shall be on the subject matter of ethics*, satisfactory to the department at a school, college, or extension division thereof, approved by the department;

(b) Completed a correspondence course in insurance, *3 hours of which shall be on the subject matter of ethics*, satisfactory to the department and regularly offered by accredited institutions of higher learning in this state and, except if he or she is applying for a limited license under s. 626.321, has had at least 6 months of responsible insurance duties as a substantially full-time bona fide employee in all lines of property and casualty insurance set forth in the definition of general lines agent under s. 626.015;

(d)1. Completed at least 1 year of responsible insurance duties as a licensed and appointed customer representative or *limited customer representative* in either commercial or personal lines of property and casualty insurance and 40 hours of classroom courses approved by the department covering the areas of property, casualty, surety, health, and marine insurance; or

2. Completed at least 1 year of responsible insurance duties as a licensed and appointed service representative in either commercial or

personal lines of property and casualty insurance and 80 hours of classroom courses approved by the department covering the areas of property, casualty, surety, health, and marine insurance.

Section 37. Section 626.733, Florida Statutes, is amended to read:

626.733 Agency firms and corporations; special requirements.—If a sole proprietorship, partnership, corporation, or association holds an agency contract, all members thereof who solicit, negotiate, or effect insurance contracts, and all officers and stockholders of the corporation who solicit, negotiate, or effect insurance contracts, are required to qualify and be licensed individually as agents, ~~solicitors~~, or customer representatives; and all of such agents must be individually appointed as to each property and casualty insurer entering into an agency contract with such agency. Each such appointing insurer as soon as known to it shall comply with this section and shall determine and require that each agent so associated in or so connected with such agency is likewise appointed as to the same such insurer and for the same type and class of license. However, no insurer is required to comply with the provisions of this section if such insurer satisfactorily demonstrates to the department that the insurer has issued an aggregate net written premium, in an agency, in an amount of \$25,000 or less.

Section 38. Paragraph (a) of subsection (2) and subsection (3) of section 626.7351, Florida Statutes, are amended to read:

626.7351 Qualifications for customer representative's license.—The department shall not grant or issue a license as customer representative to any individual found by it to be untrustworthy or incompetent, or who does not meet each of the following qualifications:

(2)(a) The applicant is a *United States citizen or legal alien who possesses work authorization from the United States Immigration and Naturalization Service and is a bona fide resident of this state and will actually reside in the state at least 6 months out of the year*. An individual who is a bona fide resident of this state shall be deemed to meet the residence requirements of this subsection, notwithstanding the existence at the time of application for license of a license in his or her name on the records of another state as a resident licensee of the other state, if the applicant furnishes a letter of clearance satisfactory to the department that the resident licenses have been canceled or changed to a nonresident basis and that he or she is in good standing.

(3) Within the 2 years next preceding the date the application for license was filed with the department, the applicant has completed a course in insurance, *3 hours of which shall be on the subject matter of ethics*, approved by the department or has had at least 6 months' experience in responsible insurance duties as a substantially full-time employee. *Courses must include instruction on the subject matter of unauthorized entities engaging in the business of insurance. The scope of the topic of unauthorized entities shall include the Florida Nonprofit Multiple-Employer Welfare Arrangement Act and the Employee Retirement Income Security Act, 29 U.S.C. ss. 1001 et seq., as such acts relate to the provision of health insurance by employers and the regulation of such insurance.*

Section 39. Subsection (2) of section 626.7354, Florida Statutes, is amended to read:

626.7354 Customer representative's powers; agent's or agency's responsibility.—

(2) A customer representative may engage in transacting insurance with customers who have been solicited by any agent, ~~solicitor~~, or customer representative in the same agency, and may engage in transacting insurance with customers who have not been so solicited to the extent and under conditions that are otherwise consistent with this part and with the insurer's contract with the agent appointing him or her.

Section 40. Paragraph (c) of subsection (1) of section 626.7355, Florida Statutes, is amended to read:

626.7355 Temporary license as customer representative pending examination.—

(1) The department shall issue a temporary customer representative's license with respect to a person who has applied for such license upon finding that the person:

(c) Is a *United States citizen or legal alien who possesses work authorization from the United States Immigration and Naturalization Service and is a bona fide resident of this state or is a resident of another state sharing a common boundary with this state.* An individual who is a bona fide resident of this state shall be deemed to meet the residence requirement of this paragraph, notwithstanding the existence at the time of application for license, of a license in his or her name on the records of another state as a resident licensee of such other state, if the applicant furnishes a letter of clearance satisfactory to the department that his or her resident licenses have been canceled or changed to a nonresident basis and that he or she is in good standing.

Section 41. Subsection (3) of section 626.741, Florida Statutes, is amended to read:

626.741 Nonresident agents; licensing and restrictions.—

(3) The department shall not, however, issue any license and appointment to any nonresident who has an office or place of business in this state, or who has any direct or indirect pecuniary interest in any insurance agent *or; insurance agency; or in any solicitor* licensed as a resident of this state; nor to any individual who does not, at the time of issuance and throughout the existence of the Florida license, hold a license as agent or broker issued by his or her home state; nor to any individual who is employed by any insurer as a service representative or who is a managing general agent in any state, whether or not also licensed in another state as an agent or broker. The foregoing requirement to hold a similar license in the applicant's home state does not apply to customer representatives unless the home state licenses residents of that state in a similar manner. The prohibition against having an office or place of business in this state does not apply to customer representatives who are required to conduct business solely within the confines of the office of a licensed and appointed Florida resident general lines agent in this state. The authority of such nonresident license is limited to the specific lines of authority granted in the license issued by the agent's home state and further limited to the specific lines authorized under the nonresident license issued by this state. The department shall have discretion to refuse to issue any license or appointment to a nonresident when it has reason to believe that the applicant by ruse or subterfuge is attempting to avoid the intent and prohibitions contained in this subsection or to believe that any of the grounds exist as for suspension or revocation of license as set forth in ss. 626.611 and 626.621.

Section 42. Paragraph (a) of subsection (1) of section 626.753, Florida Statutes, is amended to read:

626.753 Sharing commissions; penalty.—

(1)(a) An agent may divide or share in commissions only ~~with his or her own employed solicitors and~~ with other agents appointed and licensed to write the same kind or kinds of insurance.

Section 43. Paragraphs (b) and (d) of subsection (1) of section 626.785, Florida Statutes, are amended to read:

626.785 Qualifications for license.—

(1) The department shall not grant or issue a license as life agent to any individual found by it to be untrustworthy or incompetent, or who does not meet the following qualifications:

(b) Must be a *United States citizen or legal alien who possesses work authorization from the United States Immigration and Naturalization Service and a bona fide resident of this state.*

(d) Must not be a funeral director or direct disposer, or an employee or representative thereof, or have an office in, or in connection with, a funeral establishment, except that a funeral establishment may contract with a life insurance agent to sell a preneed contract as defined in chapter 497. Notwithstanding other provisions of this chapter, such insurance agent may sell limited policies of insurance covering the expense of final disposition or burial of an insured in the ~~an~~ amount of \$12,500, plus an annual percentage increase based on the Annual Consumer Price Index compiled by the United States Department of Labor, beginning with the Annual Consumer Price Index announced by the United States Department of Labor for the year 2003 ~~not to exceed~~ \$10,000.

Section 44. Subsections (1) and (2) of section 626.7851, Florida Statutes, are amended to read:

626.7851 Requirement as to knowledge, experience, or instruction.—No applicant for a license as a life agent, except for a chartered life underwriter (CLU), shall be qualified or licensed unless within the 4 years immediately preceding the date the application for a license is filed with the department he or she has:

(1) Successfully completed 40 hours of classroom courses in insurance, *3 hours of which shall be on the subject matter of ethics*, satisfactory to the department at a school or college, or extension division thereof, or other authorized course of study, approved by the department. Courses must include instruction on the subject matter of unauthorized entities engaging in the business of insurance, to include the Florida Nonprofit Multiple-Employer Welfare Arrangement Act and the Employee Retirement Income Security Act, 29 U.S.C. ss. 1001 et seq., as it relates to the provision of life insurance by employers to their employees and the regulation thereof;

(2) Successfully completed a correspondence course in insurance, *3 hours of which shall be on the subject matter of ethics*, satisfactory to the department and regularly offered by accredited institutions of higher learning in this state, approved by the department. Courses must include instruction on the subject matter of unauthorized entities engaging in the business of insurance, to include the Florida Nonprofit Multiple-Employer Welfare Arrangement Act and the Employee Retirement Income Security Act, 29 U.S.C. ss. 1001 et seq., as it relates to the provision of life insurance by employers to their employees and the regulation thereof;

Section 45. Subsection (2) of section 626.829, Florida Statutes, is amended to read:

626.829 "Health agent" defined.—

(2) Any person who acts for an insurer, or on behalf of a licensed representative of an insurer, to solicit applications for or to negotiate and effectuate health insurance contracts, whether or not he or she is appointed as an agent, subagent, ~~solicitor~~, or canvasser or by any other title, shall be deemed to be a health agent and shall be qualified, licensed, and appointed as a health agent.

Section 46. Paragraph (b) of subsection (1) of section 626.831, Florida Statutes, is amended to read:

626.831 Qualifications for license.—

(1) The department shall not grant or issue a license as health agent as to any individual found by it to be untrustworthy or incompetent, or who does not meet the following qualifications:

(b) Must be a *United States citizen or legal alien who possesses work authorization from the United States Immigration and Naturalization Service and a bona fide resident of this state.*

Section 47. Subsections (1) and (2) of section 626.8311, Florida Statutes, are amended to read:

626.8311 Requirement as to knowledge, experience, or instruction.—No applicant for a license as a health agent, except for a chartered life underwriter (CLU), shall be qualified or licensed unless within the 4 years immediately preceding the date the application for license is filed with the department he or she has:

(1) Successfully completed 40 hours of classroom courses in insurance, *3 hours of which shall be on the subject matter of ethics*, satisfactory to the department at a school or college, or extension division thereof, or other authorized course of study, approved by the department. Courses must include instruction on the subject matter of unauthorized entities engaging in the business of insurance, to include the Florida Nonprofit Multiple-Employer Welfare Arrangement Act and the Employee Retirement Income Security Act, 29 U.S.C. ss. 1001 et seq., as it relates to the provision of health insurance by employers to their employees and the regulation thereof;

(2) Successfully completed a correspondence course in insurance, *3 hours of which shall be on the subject matter of ethics*, satisfactory to the department and regularly offered by accredited institutions of higher

learning in this state, approved by the department. Courses must include instruction on the subject matter of unauthorized entities engaging in the business of insurance, to include the Florida Nonprofit Multiple-Employer Welfare Arrangement Act and the Employee Retirement Income Security Act, 29 U.S.C. ss. 1001 et seq., as it relates to the provision of health insurance by employers to their employees and the regulation thereof;

Section 48. Subsection (2) of section 626.8414, Florida Statutes, is amended to read:

626.8414 Qualifications for examination.—The department must authorize any natural person to take the examination for the issuance of a license as a title insurance agent if the person meets all of the following qualifications:

(2) The applicant must be a *United States citizen or legal alien who possesses work authorization from the United States Immigration and Naturalization Service* and a bona fide resident of this state. A person meets the residency requirement of this subsection, notwithstanding the existence at the time of application for license of a license in the applicant's name on the records of another state as a resident licensee of such other state, if the applicant furnishes a letter of clearance satisfactory to the department that the resident licenses have been canceled or changed to a nonresident basis and that the applicant is in good standing.

Section 49. Paragraph (a) of subsection (3) of section 626.8417, Florida Statutes, is amended to read:

626.8417 Title insurance agent licensure; exemptions.—

(3) The department shall not grant or issue a license as title agent to any individual found by it to be untrustworthy or incompetent, who does not meet the qualifications for examination specified in s. 626.8414, or who does not meet the following qualifications:

(a) Within the 4 years immediately preceding the date of the application for license, the applicant must have completed a 40-hour classroom course in title insurance, *3 hours of which shall be on the subject matter of ethics*, as approved by the department, or must have had at least 12 months of experience in responsible title insurance duties, while working in the title insurance business as a substantially full-time, bona fide employee of a title agency, title agent, title insurer, or attorney who conducts real estate closing transactions and issues title insurance policies but who is exempt from licensure pursuant to paragraph (4)(a). If an applicant's qualifications are based upon the periods of employment at responsible title insurance duties, the applicant must submit, with the application for license on a form prescribed by the department, the affidavit of the applicant and of the employer setting forth the period of such employment, that the employment was substantially full time, and giving a brief abstract of the nature of the duties performed by the applicant.

Section 50. Section 626.843, Florida Statutes, is amended to read:

626.843 Renewal, continuation, reinstatement, termination of title insurance agent's appointment.—

(1) The appointment of a title insurance agent shall continue in force until suspended, revoked, or otherwise terminated, but subject to a renewed request filed by the insurer every 24 months after the original issue date of the appointment, accompanied by payment of the renewal appointment fee and taxes as prescribed in s. 624.501.

(2) *Title insurance agent appointments shall be renewed pursuant to s. 626.381 for insurance representatives in general. Each insurer shall file with the department the lists, statements, and information as to appointments which are being renewed or being terminated, accompanied by payment of the applicable renewal fees and taxes as prescribed in s. 624.501, by a date set forth by the department following the month during which the appointments will expire.*

(3) ~~Request for renewal of an appointment which is received on a date set forth by the department in the succeeding month may be renewed by the department without penalty, and shall be effective as of the day the appointment would have expired.~~

(4) ~~Request for renewal of an appointment which is received by the department after the date set by the department may be accepted and~~

~~effectuated by the department in its discretion if an additional appointment continuation and reinstatement fee accompany the request for renewal pursuant to s. 624.501.~~

(3)(5) The appointment issued shall remain in effect for so long as the appointment represented thereby continues in force as provided in this section.

Section 51. Paragraph (b) of subsection (1) of section 626.865, Florida Statutes, is amended to read:

626.865 Public adjuster's qualifications, bond.—

(1) The department shall issue a license to an applicant for a public adjuster's license upon determining that the applicant has paid the applicable fees specified in s. 624.501 and possesses the following qualifications:

(b) *Is a United States citizen or legal alien who possesses work authorization from the United States Immigration and Naturalization Service and a bona fide resident of this state.*

Section 52. Subsection (2) of section 626.866, Florida Statutes, is amended to read:

626.866 Independent adjuster's qualifications.—The department shall issue a license to an applicant for an independent adjuster's license upon determining that the applicable license fee specified in s. 624.501 has been paid and that the applicant possesses the following qualifications:

(2) *Is a United States citizen or legal alien who possesses work authorization from the United States Immigration and Naturalization Service and a bona fide resident of this state.*

Section 53. Subsection (2) of section 626.867, Florida Statutes, is amended to read:

626.867 Company employee adjuster's qualifications.—The department shall issue a license to an applicant for a company employee adjuster's license upon determining that the applicable license fee specified in s. 624.501 has been paid and that the applicant possesses the following qualifications:

(2) *Is a United States citizen or legal alien who possesses work authorization from the United States Immigration and Naturalization Service and a bona fide resident of this state.*

Section 54. Section 626.869, Florida Statutes, is amended to read:

626.869 License, adjusters.—

(1) An applicant for a license as an adjuster may qualify and his or her license when issued may cover adjusting in any one of the following classes of insurance:

- (a) All lines of insurance except life and annuities.
- (b) Motor vehicle physical damage insurance.
- (c) Property and casualty insurance.
- (d) Workers' compensation insurance.
- (e) Health insurance.

(2) All individuals who on October 1, 1990, hold an adjuster's license and appointment limited to fire and allied lines, including marine or casualty or boiler and machinery, may remain licensed and appointed under the limited license and may renew their appointment, but no license or appointment which has been terminated, not renewed, suspended, or revoked shall be reinstated, and no new or additional licenses or appointments shall be issued.

(3) ~~With the exception of a public adjuster limited to health insurance, a limited license set forth in subsection (1) as an independent or public adjuster may only be issued to and retained by an employee of an independent or public adjusting firm which is supervised by a duly appointed all lines adjuster or an employee of an independent or public adjuster licensed and appointed in all lines of insurance other than life~~

and annuity. The office of the limited lines adjuster shall be in the office of the licensed all lines adjuster responsible for his or her supervision and instruction.

(3)(4) The applicant's application for license shall specify which of the foregoing classes of business the application for license is to cover.

(4)(5) Any individual person holding a license for 24 consecutive months or longer and who engages in adjusting workers' compensation insurance must, beginning in his or her birth month and every 2 years thereafter, have completed 24 hours of courses, 2 hours of which relate to ethics, in subjects designed to inform the licensee regarding the current insurance workers' compensation laws of this state, so as to enable him or her to engage in business as an a workers' compensation insurance adjuster fairly and without injury to the public and to adjust all claims in accordance with the policy or contract and the workers' compensation laws of this state. In order to qualify as an eligible course under this subsection, the course must:

- (a) Have a course outline approved by the department.
- (b) Be taught at a school training facility or other location approved by the department.
- (c) Be taught by instructors with at least 5 years of experience in the area of workers' compensation, general lines of insurance, or other persons approved by the department. However, a member of The Florida Bar is exempt from the 5 years' experience requirement.
- (d) Furnish the attendee a certificate of completion. The course provider shall send a roster to the department in a format prescribed by the department.

(5) The regulation of continuing education for licensees, course providers, instructors, school officials, and monitor groups shall be as provided for in s. 626.2816.

Section 55. Subsection (1) of section 626.874, Florida Statutes, is amended to read:

626.874 Catastrophe or emergency adjusters.—

(1) In the event of a catastrophe or emergency, the department may issue a license, for the purposes and under the conditions which it shall fix and for the period of emergency as it shall determine, to persons who are residents or nonresidents of this state, who are at least 18 years of age, who are United States citizens or legal aliens who possess work authorization from the United States Immigration and Naturalization Service, and who are not licensed adjusters under this part but who have been designated and certified to it as qualified to act as adjusters by independent resident adjusters or by an authorized insurer or by a licensed general lines agent to adjust claims, losses, or damages under policies or contracts of insurance issued by such insurers. The fee for the license shall be as provided in s. 624.501(12)(c).

Section 56. Section 626.878, Florida Statutes, is amended to read:

626.878 Rules; code of ethics.—An adjuster shall subscribe to the code of ethics specified in the rules of the department. *The rules shall implement the provisions of this part and specify the terms and conditions of contracts, including a right to cancel, and require practices necessary to ensure fair dealing, prohibit conflicts of interest, and ensure preservation of the rights of the claimant to participate in the adjustment of claims.*

Section 57. Subsection (1) of section 626.797, Florida Statutes, is amended to read:

626.797 Code of ethics.—

(1) The department shall, after consultation with the Florida Association Of Insurance and Financial Advisors Life Underwriters, adopt a code of ethics, or continue any such code heretofore so adopted, to govern the conduct of life agents in their relations with the public, other agents, and the insurers.

Section 58. Paragraph (z) of subsection (1) of section 626.9541, Florida Statutes, is amended to read:

626.9541 Unfair methods of competition and unfair or deceptive acts or practices defined.—

(1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE ACTS.—The following are defined as unfair methods of competition and unfair or deceptive acts or practices:

(z) Sliding.—Sliding is the act or practice of:

1. Representing to the applicant that a specific ancillary coverage or product is required by law in conjunction with the purchase of motor vehicle insurance when such coverage or product is not required;
2. Representing to the applicant that a specific ancillary coverage or product is included in the motor vehicle policy applied for without an additional charge when such charge is required; or
3. Charging an applicant for a specific ancillary coverage or product, in addition to the cost of the motor vehicle insurance coverage applied for, without the informed consent of the applicant.

Section 59. Paragraph (f) is added to subsection (7) of section 626.9916, Florida Statutes, to read:

626.9916 Viatical settlement broker license required; application for license.—

(7) Upon the filing of a sworn application and the payment of the license fee and all other applicable fees under this act, the department shall investigate each applicant and may issue the applicant a license if the department finds that the applicant:

(f) *If a natural person, is at least 18 years of age and a United States citizen or legal alien who possesses work authorization from the United States Immigration and Naturalization Service.*

Section 60. Paragraph (a) of subsection (5) of section 627.7295, Florida Statutes, is amended to read:

627.7295 Motor vehicle insurance contracts.—

(5)(a) A licensed general lines agent may charge a per-policy fee not to exceed \$20 \$10 to cover the administrative costs of the agent associated with selling the motor vehicle insurance policy if the policy covers only personal injury protection coverage as provided by s. 627.736 and property damage liability coverage as provided by s. 627.7275 and if no other insurance is sold or issued in conjunction with or collateral to the policy. *The per-policy fee shall be paid only to the agent and may not be paid by or passed on to the insurer.* The per-policy fee must be a component of the insurer's rate filing and may not be charged by an agent unless the fee is included in the filing. The fee is not considered part of the premium except for purposes of the department's review of expense factors in a filing made pursuant to s. 627.062.

Section 61. Subsection (3) of section 632.634, Florida Statutes, is amended to read:

632.634 Licensing and appointment of agents.—

(3) Any agent, representative, or member of a society who in any preceding calendar year has solicited and procured life insurance benefit contracts on behalf of any society in a total amount of insurance less than \$50,000, or, in the case of any other kind or kinds of insurance benefit contracts which the society might write, on not more than 25 individuals, shall be exempt from the agent licensing and appointment requirements of subsection (1). *Upon request by the department, every society shall register, on forms prescribed by the department and on or before March 1 of each year, the name and residence address of each agent, representative, or member exempt under the provisions of this subsection and shall, within 30 days of termination of employment, notify the department of the termination. Any agent, representative, or member for which an exemption is claimed due to employment by the society subsequent to March 1 shall be registered by the society with the department within 10 days of the date of employment.*

Section 62. Section 634.171, Florida Statutes, is amended to read:

634.171 Salesperson to be licensed and appointed.—Salespersons for motor vehicle service agreement companies and insurers shall be licensed, appointed, renewed, continued, reinstated, or terminated as pre-

scribed in chapter 626 for insurance representatives in general. However, they shall be exempt from all other provisions of chapter 626 including fingerprinting, photo identification, education, and examination provisions. License, appointment, and other fees shall be those prescribed in s. 624.501. A licensed and appointed salesperson shall be directly responsible and accountable for all acts of her or his employees and other representatives. Each service agreement company or insurer shall, on forms prescribed by the department, within 30 days after termination of the appointment, notify the department of such termination. No employee or salesperson of a motor vehicle service agreement company or insurer may directly or indirectly solicit or negotiate insurance contracts, or hold herself or himself out in any manner to be an insurance agent ~~or solicitor~~, unless so qualified, licensed, and appointed therefor under the Florida Insurance Code. A motor vehicle service agreement company is not required to be licensed as a salesperson to solicit, sell, issue, or otherwise transact the motor vehicle service agreements issued by the motor vehicle service agreement company.

Section 63. Section 634.420, Florida Statutes, is amended to read:

634.420 License and appointment of sales representatives.—Sales representatives for service warranty associations or insurers shall be licensed, appointed, renewed, continued, reinstated, or terminated in accordance with procedures as prescribed in chapter 626 for insurance representatives in general. However, they shall be exempt from all other provisions of chapter 626, including fingerprinting, photo identification, education, and examination. License, appointment, and other fees shall be those prescribed in s. 624.501. A licensed and appointed sales representative shall be directly responsible and accountable for all acts of the licensed sales representative's employees or other representatives. Each service warranty association or insurer shall, on forms prescribed by the department, within 30 days after termination of the appointment, notify the department of such termination. No employee or sales representative of a service warranty association or insurer may directly or indirectly solicit or negotiate insurance contracts, or hold herself or himself out in any manner to be an insurance agent ~~or solicitor~~, unless so qualified, licensed, and appointed therefor under the insurance code.

Section 64. Section 642.034, Florida Statutes, is amended to read:

642.034 License and appointment required.—No person may solicit, negotiate, sell, or execute legal expense insurance contracts on behalf of an insurer in this state unless such person is licensed and appointed as a sales representative or is licensed and appointed under the insurance code as a general lines agent ~~or solicitor~~. No person licensed and appointed as a legal expense insurance sales representative may solicit, negotiate, sell, or execute any other contract of insurance unless such person is duly licensed and appointed to do so under the provisions of chapter 626.

Section 65. Section 642.036, Florida Statutes, is amended to read:

642.036 Sales representatives to be licensed and appointed.—Sales representatives of legal expense insurers shall be licensed, appointed, renewed, continued, reinstated, or terminated as prescribed in chapter 626 for insurance representatives in general, and shall pay the license and appointment fees prescribed in s. 624.501. No employee or sales representative of an insurer may directly or indirectly solicit or negotiate insurance contracts, or hold herself or himself out in any manner to be an insurance agent ~~or solicitor~~, unless so qualified, licensed, and appointed therefor under the insurance code.

Section 66. Section 642.045, Florida Statutes, is amended to read:

642.045 Procedure for refusal, suspension, or revocation of license and appointment of sales representative; departmental action upon violation by licensed insurance agent ~~or solicitor~~.—

(1) If any sales representative is convicted by a court of a violation of any provision of ss. 642.011-642.049, the license and appointment of such individual shall thereby be deemed to be immediately revoked without any further procedure relative thereto by the department.

(2) Whenever it appears that any licensed insurance agent ~~or solicitor~~ has violated the provisions of ss. 642.011-642.049, or if any grounds listed in s. 642.041 or s. 642.043 exist as to such agent ~~or solicitor~~, the department may take such action as is authorized by the insurance code for a violation of the insurance code by such agent ~~or solicitor~~, or such

action as is authorized by this chapter for a violation of this chapter by a sales representative.

Section 67. Paragraph (b) of subsection (5) and subsection (9) of section 648.27, Florida Statutes, are amended to read:

648.27 Licenses and appointments; general.—

(5)

(b) The license of a temporary bail bond agent ~~or runner~~ shall continue in force until suspended, revoked, or otherwise terminated.

(9) If, upon application for an appointment and such investigation as the department may make, it appears to the department that an individual has been actively engaged or is currently actively engaged in bail bond activities without being appointed as required, the department may, if it finds that such failure to be appointed is an error on the part of the insurer or employer so represented, issue *or authorize the issuance of* the appointment as applied for, but subject to the condition that, before the appointment is issued, all fees and taxes which would have been due had the applicant been so appointed during such current and prior periods, together with a continuation fee for such current and prior terms of appointment, shall be paid to the department. *Failure to notify the department within the required time period shall result in the appointing entity being assessed a delinquent fee of \$250. Delinquent fees shall be paid by the appointing entity and shall not be charged to the appointee.*

Section 68. Paragraph (b) of subsection (2) and subsections (5) and (6) of section 648.34, Florida Statutes, are amended to read:

648.34 Bail bond agents; qualifications.—

(2) To qualify as a bail bond agent, it must affirmatively appear at the time of application and throughout the period of licensure that the applicant has complied with the provisions of s. 648.355 and has obtained a temporary license pursuant to such section and:

(b) The applicant is a United States citizen or legal alien *who possesses work authorization from the United States Immigration and Naturalization Service and is a resident of this state*. An individual who is a resident of this state shall be deemed to meet the residence requirement of this paragraph, notwithstanding the existence, at the time of application for license, of a license in the applicant's name on the records of another state as a resident licensee of such other state, if the applicant furnishes a letter of clearance satisfactory to the department that his or her resident licenses have been canceled or changed to a nonresident basis and that he or she is in good standing.

(5) The department shall conduct a comprehensive investigation of each applicant, including a background check. *The investigation of the applicant's qualifications, character, experience, background, and fitness shall include submission of the applicant's fingerprints to the Department of Law Enforcement and the Federal Bureau of Investigation and consideration of any state criminal records, federal criminal records, or local criminal records obtained from these agencies or from local law enforcement agencies.*

(6) The provisions of s. 112.011 do not apply to bail bond agents ~~or runners~~ or to applicants for licensure as bail bond agents ~~or runners~~.

Section 69. Paragraphs (b) and (e) of subsection (1) of section 648.355, Florida Statutes, are amended to read:

648.355 Temporary limited license as limited surety agent or professional bail bond agent; pending examination.—

(1) The department may, in its discretion, issue a temporary license as a limited surety agent or professional bail bond agent, subject to the following conditions:

(b) The applicant is a United States citizen or legal alien *who possesses work authorization from the United States Immigration and Naturalization Service and is a resident of this state*. An individual who is a resident of this state shall be deemed to meet the residence requirement of this paragraph, notwithstanding the existence, at the time of application for temporary license, of a license in the individual's name on the records of another state as a resident licensee of such other state, if the

applicant furnishes a letter of clearance satisfactory to the department that the individual's resident licenses have been canceled or changed to a nonresident basis and that the individual is in good standing.

(e) The applicant must be employed *full-time* at the time of licensure, and at all times throughout the existence of the temporary license, by only one licensed and appointed supervising bail bond agent, who supervises the work of the applicant and is responsible for the licensee's conduct in the bail bond business. The applicant must be appointed by the same insurers as the supervising bail bond agent. The supervising bail bond agent shall certify monthly to the department under oath, on a form prescribed by the department, the names and hours worked each week of all temporary bail bond agents. Filing a false certification is grounds for the immediate suspension of the license and imposition of a \$5,000 administrative fine. *The department may adopt rules that establish standards for the employment requirements.*

Section 70. Paragraph (a) of subsection (2) and subsection (3) of section 648.382, Florida Statutes, are amended, and subsection (6) is added to that section, to read:

648.382 Appointment of bail bond agents and temporary bail bond agents; effective date of appointment.—

(2) Prior to any appointment, an appropriate officer or official of the appointing insurer in the case of a bail bond agent or an insurer, managing general agent, or bail bond agent in the case of a temporary bail bond agent must submit:

(a) A certified statement or affidavit to the department stating what investigation has been made concerning the proposed appointee and the proposed appointee's background and the appointing person's opinion to the best of his or her knowledge and belief as to the moral character, ~~fitness,~~ and reputation of the proposed appointee. *In lieu of such certified statement or affidavit, by authorizing the effectuation of an appointment for a licensee, the appointing entity certifies to the department that such investigation has been made and that the results of the investigation and the appointing person's opinion is that the proposed appointee is a person of good moral character and reputation and is fit to engage in the bail bond business;*

(3) *By authorizing the effectuation of an appointment for a licensee, the appointing insurer certifies to the department* ~~Prior to any appointment of a bail bond agent, the appointing insurer must certify to the department that the insurer will be bound by the acts of the bail bond agent acting within the scope of his or her appointment, and, in the case of a temporary bail bond agent, the appointing insurer, managing general agent, or bail bond agent, as the case may be, must certify to the department that he or she will supervise the temporary bail bond agent's activities.~~

(6) *Failure to notify the department within the required time period shall result in the appointing entity being assessed a delinquent fee of \$250. Delinquent fees shall be paid by the appointing entity and shall not be charged to the appointee.*

Section 71. Section 648.383, Florida Statutes, is amended to read:

648.383 Renewal, continuation, reinstatement, and termination of appointment; bail bond agents.—

(1) The appointment of a bail bond agent shall continue in force unless suspended, revoked, or otherwise terminated, subject to a renewal request filed by the appointing entity in the appointee's birth month and every 24 months thereafter. A renewal request must be filed with the department *or person designated by the department to administer appointments* along with payment of the renewal appointment fee and taxes as prescribed in s. 624.501.

(2) Each appointing person *or person designated by the department to administer appointments* must file ~~with the department~~ the lists, statement, and information as to each bail bond agent whose appointment is being renewed, accompanied by payment of the applicable renewal fees and taxes as prescribed in s. 624.501, ~~by a date established by the department following the month during which the appointment will expire.~~

(3) An appointment may be renewed ~~by the department~~ without penalty if the information required under subsection (2) is received by

~~the department on or prior to the expiration of the appointment in the licensee's birth month date established by the department for renewal, and such appointment shall be renewed, is effective on the first day of the month succeeding the month in which the appointment was scheduled to expire.~~

(4) If the information required under subsection (2) is received ~~by the department after the renewal date established by the department for renewal,~~ the appointment may be renewed ~~by the department~~ if ~~the an additional appointment, late filing, continuation, and reinstatement fees accompany fee accompanies~~ the application as required under s. 624.501.

Section 72. Subsections (1) and (3) of section 648.50, Florida Statutes, are amended to read:

648.50 Effect of suspension, revocation upon associated licenses and licensees.—

(1) Upon the suspension, revocation, or refusal to renew or continue any license or appointment or the eligibility to hold a license or appointment of a bail bond agent *or;* temporary bail bond agent, ~~or runner,~~ the department shall at the same time likewise suspend or revoke all other licenses or appointments and the eligibility to hold any other such licenses or appointments which may be held by the licensee under the Florida Insurance Code.

(3) No person whose license as a bail bond agent *or;* temporary bail bond agent, ~~or runner~~ has been revoked or suspended shall be employed by any bail bond agent, have any ownership interest in any business involving bail bonds, or have any financial interest of any type in any bail bond business during the period of revocation or suspension.

Section 73. *Sections 626.032 and 626.361, Florida Statutes, are repealed.*

Section 74. Paragraph (d) of subsection (6) of section 627.351, Florida Statutes, is amended to read:

627.351 Insurance risk apportionment plans.—

(6) CITIZENS PROPERTY INSURANCE CORPORATION.—

(d)1. It is the intent of the Legislature that the rates for coverage provided by the corporation be actuarially sound and not competitive with approved rates charged in the admitted voluntary market, so that the corporation functions as a residual market mechanism to provide insurance only when the insurance cannot be procured in the voluntary market. Rates shall include an appropriate catastrophe loading factor that reflects the actual catastrophic exposure of the corporation.

2. For each county, the average rates of the corporation for each line of business for personal lines residential policies excluding rates for wind-only policies shall be no lower than the average rates charged by the insurer that had the highest average rate in that county among the 20 insurers with the greatest total direct written premium in the state for that line of business in the preceding year, except that with respect to mobile home coverages, the average rates of the corporation shall be no lower than the average rates charged by the insurer that had the highest average rate in that county among the 5 insurers with the greatest total written premium for mobile home owner's policies in the state in the preceding year.

3. Rates for personal lines residential wind-only policies must be actuarially sound and not competitive with approved rates charged by authorized insurers. However, for personal lines residential wind-only policies issued or renewed between July 1, 2002, and June 30, 2003, the maximum premium increase must be no greater than 10 percent of the Florida Windstorm Underwriting Association premium for that policy in effect on June 30, 2002, as adjusted for coverage changes and seasonal occupancy surcharges. *For personal lines residential wind-only policies issued or renewed between July 1, 2003, and June 30, 2004, the corporation shall use its existing filed and approved wind-only rating and classification plans, provided, however, that the maximum premium increase must be no greater than 20 percent of the premium for that policy in effect on June 30, 2003, as adjusted for coverage changes and seasonal occupancy surcharges. The personal lines residential wind-only rates for the corporation effective July 1, 2003, must be based on a rate filing by the corporation which establishes rates which are actuarially sound and not*

competitive with approved rates charged by authorized insurers. Corporation rate manuals shall include a rate surcharge for seasonal occupancy. To ensure that personal lines residential wind-only rates effective on or after July 1, 2004 2003, are not competitive with approved rates charged by authorized insurers, the corporation, in conjunction with the office, shall develop a wind-only rate making methodology, which methodology shall be contained in a rate filing made by the corporation with the office by January 1, 2004. If the office thereafter determines that the wind-only rates or rating factors filed by the corporation fail to comply with the wind-only rate making methodology provided for in this subsection, it shall so notify the corporation and require the corporation to amend its rates or rating factors to come into compliance within 90 days of notice from the office. The office shall report to the Speaker of the House of Representatives and the President of the Senate on the provisions of the wind-only rate making methodology by January 31, 2004 the department, by March 1 of each year, shall provide the corporation, for each county in which there are geographical areas in which personal lines residential wind-only policies may be issued, the average rates charged by the insurer that had the highest average rate in that county for wind coverage in that insurer's rating territories which most closely approximate the geographical area in that county in which personal lines residential wind-only policies may be written by the corporation. The average rates provided must be from an insurer among the 20 insurers with the greatest total direct written premium in the state for personal lines residential property insurance for the preceding year. With respect to mobile homes, the five insurers with the greatest total written premium for that line of business in the preceding year shall be used. The corporation shall certify to the department that its average personal lines residential wind-only rates are no lower in each county than the average rates provided by the department. The department is authorized to adopt rules to establish reporting requirements to obtain the necessary wind-only rate information from insurers to implement this provision.

4. Rates for commercial lines coverage shall not be subject to the requirements of subparagraph 2., but shall be subject to all other requirements of this paragraph and s. 627.062.

5. Nothing in this paragraph shall require or allow the corporation to adopt a rate that is inadequate under s. 627.062.

6. The corporation shall certify to the office at least twice annually that its personal lines rates comply with the requirements of subparagraphs 1. and 2. If any adjustment in the rates or rating factors of the corporation is necessary to ensure such compliance, the corporation shall make and implement such adjustments and file its revised rates and rating factors with the office. If the office thereafter determines that the revised rates and rating factors fail to comply with the provisions of subparagraphs 1. and 2, it shall notify the corporation and require the corporation to amend its rates or rating factors in conjunction with its next rate filing. The office must notify the corporation by electronic means of any rate filing it approves for any insurer among the insurers referred to in subparagraph 2 make a rate filing at least once a year, but no more often than quarterly.

7. In addition to the rates otherwise determined pursuant to this paragraph, the corporation shall impose and collect an amount equal to the premium tax provided for in s. 624.509 to augment the financial resources of the corporation.

8.a To assist the corporation in developing additional ratemaking methods to assure compliance with subparagraphs 1. and 4., the corporation shall appoint a rate methodology panel consisting of one person recommended by the Florida Association of Insurance Agents, one person recommended by the Professional Insurance Agents of Florida, one person recommended by the Florida Association of Insurance and Financial Advisors, one person recommended by the insurer with the highest voluntary market share of residential property insurance business in the state, one person recommended by the insurer with the second-highest voluntary market share of residential property insurance business in the state, one person recommended by an insurer writing commercial residential property insurance in this state, one person recommended by the Office of Insurance Regulation, and one board member designated by the board chairman, who shall serve as chairman of the panel.

b. By January 1, 2004, the rate methodology panel shall provide a report to the corporation of its findings and recommendations for the use of additional ratemaking methods and procedures, including the use of a rate-equalization surcharge in an amount sufficient to assure that the

total cost of coverage for policyholders or applicants to the corporation is sufficient to comply with subparagraph 1.

c. Within 30 days after such report, the corporation shall present to the President of the Senate, the Speaker of the House of Representatives, the minority party leaders of each house of the Legislature, and the chairs of the standing committees of each house of the Legislature having jurisdiction of insurance issues, a plan for implementing the additional rate-making methods and an outline of any legislation needed to facilitate use of the new methods.

d. The plan must include a provision that producer commissions paid by the corporation shall not be calculated in such a manner as to include any rate-equalization surcharge. However, without regard to the plan to be developed or its implementation, producer commissions paid by the corporation for each account, other than the quota share primary program, shall remain fixed as to percentage, effective rate, calculation, and payment method, as these were in effect on January 1, 2003.

9. By January 1, 2004, the corporation shall develop a notice to policyholders or applicants that the rates of Citizens Property Insurance Corporation are intended to be higher than the rates of any admitted carrier and providing other information the corporation deems necessary to assist consumers in finding other voluntary admitted insurers willing to insure their property.

Section 75. Section 624.105, Florida Statutes, is created to read:

624.105 Waiver of customer liability.—Any regulated company as defined in s. 350.111, any electric utility as defined in s. 366.02(2), any utility as defined in s. 367.021(12) or s.367.022(2) and (7), and any provider of communications services as defined in s. 202.11(3) may charge for and include an optional waiver of liability provision in their customer contracts under which the entity agrees to waive all or a portion of the customer's liability for service from the entity for a defined period in the event of the customer's call to active military service, death, disability, involuntary unemployment, qualification for family leave, or similar qualifying event or condition. Such provisions may not be effective in the customer's contract with the entity unless affirmatively elected by the customer. No such provision shall constitute insurance so long as the provision is a contract between the entity and its customer.

Section 76. Section 717.1071, Florida Statutes, is created to read:

717.1071 Lost owners of unclaimed demutualization, rehabilitation, or related reorganization proceeds.—

(1) Property distributable in the course of a demutualization, rehabilitation, or related reorganization of an insurance company is deemed abandoned 2 years after the date the property is first distributable if, at the time of the first distribution, the last known address of the owner on the books and records of the holder is known to be incorrect or the distribution or statements are returned by the post office as undeliverable; and the owner has not communicated in writing with the holder or its agent regarding the interest or otherwise communicated with the holder regarding the interest as evidenced by a memorandum or other record on file with the holder or its agent.

(2) Property distributable in the course of demutualization, rehabilitation, or related reorganization of a mutual insurance company that is not subject to subsection (1) shall be reportable as otherwise provided by this chapter.

(3) Property subject to this section shall be reported and delivered no later than May 1 as of the preceding December 31, however the initial report under this section shall be filed no later than November 1, 2003, as of December 31, 2002.

Section 77. Subsection (8) of section 624.430, Florida Statutes, is renumbered as subsection (9), and new subsection (8) is added to said section, to read:

624.430 Withdrawal of insurer or discontinuance of writing certain kinds or lines of insurance.—

(8) Notwithstanding subsection (7), any insurer desiring to surrender its certificate of authority, withdraw from this state, or discontinue the writing of any one or multiple kinds or lines of insurance in this state is expected to have availed itself of all reasonably available reinsurance.

Reasonably available reinsurance shall include unrealized reinsurance, which is defined as reinsurance recoverable on known losses incurred and due under valid reinsurance contracts that have not been identified in the normal course of business and have not been reported in financial statements filed with the Office of Insurer Regulation. Within 90 days after surrendering its certificate of authority, withdrawing from this state, or discontinuing the writing of any one or multiple kinds or lines of insurance in this state, the insurer shall certify to the Director of the Office of Insurer Regulation that the insurer has engaged an independent third party to search for unrealized reinsurance, and that the insurer has made all relevant books and records available to such third party. The compensation to such third party may be a percentage of unrealized reinsurance identified and collected.

Section 78. Subsection (11) of section 626.7451, Florida Statutes, is amended to read:

626.7451 Managing general agents; required contract provisions.— No person acting in the capacity of a managing general agent shall place business with an insurer unless there is in force a written contract between the parties which sets forth the responsibility for a particular function, specifies the division of responsibilities, and contains the following minimum provisions:

(11) A licensed managing general agent, when placing business with an insurer under this code, may charge a per-policy fee not to exceed \$40 ~~\$25~~. In no instance shall the aggregate of per-policy fees for a placement of business authorized under this section, when combined with any other per-policy fee charged by the insurer, result in per-policy fees which exceed the aggregate amount of \$40 ~~\$25~~. The per-policy fee shall be a component of the insurer's rate filing and shall be fully earned. A managing general agent that collects a per-policy fee shall remit a minimum of \$5 per policy to the insurer for the funding of a Special Investigations Unit dedicated to the prevention of motor vehicle insurance fraud, \$2 per policy to the Division of Insurance Fraud of the Department of Financial Services which shall be dedicated to the prevention and detection of motor vehicle insurance fraud, and \$3 per policy to the Office of Statewide Prosecution which shall be dedicated to the prosecution of motor vehicle insurance fraud. Any insurer that writes directly without a managing general agent and that charges a per-policy fee may charge an additional \$5 per policy to fund its Special Investigations Unit, which shall be dedicated to the prevention of motor vehicle insurance fraud, \$2 per policy to the Division of Insurance Fraud of the Department of Financial Services, which shall be dedicated to the prevention and detection of motor vehicle insurance fraud, and \$3 per policy to the Office of Statewide Prosecution which shall be dedicated to the prosecution of motor vehicle insurance fraud.

For the purposes of this section and ss. 626.7453 and 626.7454, the term "controlling person" or "controlling" has the meaning set forth in s. 625.012(5)(b)1., and the term "controlled person" or "controlled" has the meaning set forth in s. 625.012(5)(b)2.

Section 79. Section 624.4623, Florida Statutes, is created to read:

624.4623 Independent Educational Institution Self-Insurance Funds—

(1) Notwithstanding any other provision of law, any two or more independent nonprofit colleges or universities accredited by the Commission on Colleges of the Southern Association of Colleges and Schools or independent, nonprofit, accredited secondary educational institutions, located in and chartered by the state of Florida, may form a self-insurance fund for the purpose of pooling and spreading liabilities of its group members in any property or casualty risk or surety insurance or securing the payment of benefits under chapter 440, provided the independent educational institution self-insurance fund that is created must:

- (a) Have annual normal premiums in excess of \$5 million;
- (b) Maintain a continuing program of excess insurance coverage and reserve evaluation to protect the financial stability of the fund in an amount and manner determined by a qualified and independent actuary;
- (c) Submit annually an audited fiscal year-end financial statement by an independent certified public accountant within 6 months after the end of the fiscal year to the office; and

(d) Have a governing body which is comprised entirely of independent educational institution officials.

(2) An independent educational institution self-insurance fund that meets the requirements of this section is not subject to s. 624.4621 and is not required to file any report with the department under s. 440.38(2)(b) which is uniquely required of group self-insurer funds qualified under s. 624.4621. If any of the requirements of this section are not met, the independent educational self-insurance fund is subject to the requirements of s. 624.4621.

Section 80. Present subsections (6), (7), (8), (9), and (10) are renumbered (7), (8), (9), (10), and (11), respectively, and new subsection (6) is added to section 624.81, Florida Statutes, to read:

624.81 Notice to comply with written requirements of department; noncompliance.—

(6) Any insurer subject to administrative supervision is expected to avail itself of all reasonably available reinsurance. Reasonably available reinsurance shall include unrealized reinsurance, which is defined as reinsurance recoverable on known losses incurred and due under valid reinsurance contracts that have not been identified in the normal course of business and have not been reported in financial statements filed with the Office of Insurance Regulation. Within 90 days of being placed under administrative supervision, the insurer shall certify to the Director of the Office of Insurance Regulation that the insurer has engaged an independent third party to search for unrealized reinsurance, and that the insurer has made all relevant books and records available to the third party. The compensation to the third party may be a percentage of unrealized reinsurance identified and collected.

(7)(6) If the department and the insurer are unable to agree on the provisions of the plan, the department may require the insurer to take such corrective action as may be reasonably necessary to remove the causes and conditions giving rise to the need for administrative supervision.

(8)(7) The insurer shall have 60 days, or a longer period of time as designated by the department but not to exceed 120 days, after the date of the written agreement or the receipt of the department's plan within which to comply with the requirements of the department. At the conclusion of the initial period of supervision, the department may extend the supervision in increments of 60 days or longer, not to exceed 120 days, if conditions justifying supervision exist. Each extension of supervision shall provide the insurer with a point of entry pursuant to chapter 120.

(9)(8) The initiation or pendency of administrative proceedings arising from actions taken under this section shall not preclude the department from initiating judicial proceedings to place an insurer in conservation, rehabilitation, or liquidation or initiating other delinquency proceedings however designated under the laws of this state.

(10)(9) If it is determined that the conditions giving rise to administrative supervision have been remedied so that the continuance of its business is no longer hazardous to the public or to its insureds, the department shall release the insurer from supervision.

(11)(10) The department may adopt rules to define standards of hazardous financial condition and corrective action substantially similar to that indicated in the National Association of Insurance Commissioners' 1997 "Model Regulation to Define Standards and Commissioner's Authority for Companies Deemed to be in Hazardous Financial Condition," which are necessary to implement the provisions of this part.

(Redesignate subsequent sections.)

And the title is amended as follows:

On line 18, after the semicolon, insert: amending ss. 624.04, 624.303, 624.313, 624.317, 624.504, 624.506, 624.521, 626.022, 626.112, 626.733, 626.7354, 626.741, 626.753, 626.829, 634.171, 634.420, 642.034, 642.036, and 642.045, F.S.; deleting references to solicitors to conform to prior deletions; amending ss. 624.34, 626.202, and 626.601, F.S.; revising certain fingerprinting requirements; amending s. 624.501, F.S.; providing for a fee for certain late appointment filings; amending s. 626.015, F.S.; deleting a definition of administrative agent; amending s. 626.171, F.S.; revising applicant address requirements; specifying required background investigation information; amending ss. 626.175, 626.7355, 626.731, 626.831, 626.8414, 626.865, 626.866, 626.867,

626.874, 626.9916, 648.34, and 648.355, F.S.; revising licensure eligibility criteria to specify United States citizenship or certain legal alien status; providing for the adoption of rules; amending s. 626.201, F.S.; revising certain fingerprint requirements; amending s. 626.221, F.S.; revising appointment application filing time period requirements; amending s. 626.2815, F.S.; requiring certain continuing education hour and subject requirements; deleting references to solicitors to conform to prior deletions; revising a continuing education board member title; amending s. 626.2816, F.S.; revising a cross-reference; clarifying a continuing education requirement; amending s. 626.2817, F.S.; deleting a preclosure rule requirement; amending s. 626.311, F.S.; providing for the appointment of certain licensees; amending s. 626.321, F.S.; deleting references to solicitors to conform to prior deletions; providing for one application for a license and payment of applicable fees; amending s. 626.322, F.S.; clarifying the effect of insurer authorization of effectuation of certain appointments; amending s. 626.341, F.S.; including a department-designated person to administer appointment processes for certain appointment-related actions; amending s. 626.371, F.S.; providing requirements for submittal and effective date of appointments; imposing a delinquent fee for certain notification failures; providing fee payment requirements; amending s. 626.381, F.S.; including a department-designated person to administer appointment processes for certain appointment-related actions; providing for a fee for certain late appointment filings; amending s. 626.451, F.S.; including a department-designated person to administer appointment processes for certain appointment-related actions; clarifying the effect of insurer authorization of effectuation of certain appointments; requiring licensee notification of the department of certain criminal proceedings; amending s. 626.461, F.S.; including a department-designated person to administer appointment processes for certain appointment-related actions; deleting references to solicitors to conform to prior deletions; amending s. 626.471, F.S.; including a department-designated person to administer appointment processes for certain appointment-related actions; providing for termination of certain appointments; requiring notice of termination; amending s. 626.843, F.S.; revising procedures for renewing title insurance agent appointments; amending s. 626.7315, F.S.; providing an exception to a prohibition against certain individuals receiving money on account of or for an insurer; amending ss. 626.732, 626.7851, 626.8311, and 626.8417, F.S.; revising certain education subject requirements; amending s. 626.7351, F.S.; revising licensure eligibility criteria to specify United States citizenship or certain legal alien status; revising certain education subject requirements; providing additional education course requirements; amending s. 626.785, F.S.; revising licensure eligibility criteria to specify United States citizenship or certain legal alien status; increasing the amount of coverage for burial-related expenses that may be sold by a life insurance agent under contract with a funeral establishment; amending s. 626.797, F.S.; revising an association title; amending s. 626.869, F.S.; deleting a provision relating to limited licenses for certain adjusters; revising certain education requirements; amending s. 626.878, F.S.; specifying implementation requirements for the department's ethics rules; amending s. 626.9541, F.S.; revising sliding as an unfair method of competition and unfair or deceptive act or practice; amending s. 632.634, F.S.; specifying registration of a society only upon department request; amending s. 627.7295, F.S.; revising the per-policy fees that general lines agents may charge on certain policies; amending s. 648.27, F.S.; imposing a delinquent fee for certain notification failures; providing fee payment requirements; deleting obsolete runner references; amending s. 648.382, F.S.; clarifying the effect of insurer authorization of effectuation of certain appointments; imposing a delinquent fee for certain notification failures; providing fee payment requirements; amending s. 648.383, F.S.; including a department-designated person to administer appointment processes for certain appointment-related actions; providing for a fee for certain late appointment filings; amending s. 648.50, F.S.; deleting obsolete runner references; repealing s. 626.032, F.S., relating to continuing education and required designation of administrative agents; repealing s. 626.361, F.S., relating to the effective date of appointments; amending s. 627.351, F.S.; providing requirements for the corporation relating to personal lines residential wind-only policies; requiring the corporation to develop a wind-only rate making methodology; requiring a report; requiring the Citizens Property Insurance Corporation to certify at certain intervals that its rates comply with requirements to be set a certain levels relative to other insurers; authorizing the Office of Insurance Regulation to review and act upon such certification; requiring the corporation to appoint a rate methodology panel to make recommendations for the use of additional ratemaking methods, including the use of a rate equalization surcharge to assure that the cost of coverage is sufficient to comply with state law; requiring the corporation to provide a related report to the

Legislature and a plan for implementing the additional ratemaking methods; specifying how the plan shall apply to agent commissions; requiring the corporation to develop a notice to policyholders; creating s. 624.105, F.S.; providing for waiver of customer liability for certain fees by providers of utility and telecommunications services under certain circumstances; creating s. 717.1071, F.S.; providing procedures, requirements, and limitations on lost owners of certain unclaimed insurance entity activity proceeds; amending s. 624.430, F.S.; requiring certain insurers to obtain reasonably available reinsurance under certain circumstances; providing procedures and criteria; amending s. 626.7451, F.S.; providing a per-policy fee to be remitted to the insurer's Special Investigations Unit, the Division of Insurance Fraud of the Department of Financial Services, and the Office of Statewide Prosecution for purposes of preventing, detecting, and prosecuting motor vehicle insurance fraud; creating s. 624.4623, F.S.; authorizing two or more independent colleges or universities to form a self-insurance fund; providing specific requirements; amending s. 624.81, F.S.; requiring insurers that are under administrative supervision to avail themselves of all reasonably available reinsurance; providing for a third party to search for reinsurance; providing for reimbursing the third party;

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 1** which was adopted:

Amendment 1A (864958)(with title amendment)—On page 48, lines 14-20, delete those lines and insert:

Section 58. Paragraphs (o) and (z) of subsection (1) of section 626.9541, Florida Statutes, are amended to read:

626.9541 Unfair methods of competition and unfair or deceptive acts or practices defined.—

(1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE ACTS.—The following are defined as unfair methods of competition and unfair or deceptive acts or practices:

(o) Illegal dealings in premiums; excess or reduced charges for insurance.—

1. Knowingly collecting any sum as a premium or charge for insurance, which is not then provided, or is not in due course to be provided, subject to acceptance of the risk by the insurer, by an insurance policy issued by an insurer as permitted by this code.

2. Knowingly collecting as a premium or charge for insurance any sum in excess of or less than the premium or charge applicable to such insurance, in accordance with the applicable classifications and rates as filed with and approved by the department, and as specified in the policy; or, in cases when classifications, premiums, or rates are not required by this code to be so filed and approved, premiums and charges collected from a Florida resident in excess of or less than those specified in the policy and as fixed by the insurer. This provision shall not be deemed to prohibit the charging and collection, by surplus lines agents licensed under part VIII of this chapter, of the amount of applicable state and federal taxes, or fees as authorized by s. 626.916(4), in addition to the premium required by the insurer or the charging and collection, by licensed agents, of the exact amount of any discount or other such fee charged by a credit card facility in connection with the use of a credit card, as authorized by subparagraph (q)3., in addition to the premium required by the insurer. This subparagraph shall not be construed to prohibit collection of a premium for a universal life or a variable or indeterminate value insurance policy made in accordance with the terms of the contract.

3.a. Imposing or requesting an additional premium for a policy of motor vehicle liability, personal injury protection, medical payment, or collision insurance or any combination thereof or refusing to renew the policy solely because the insured was involved in a motor vehicle accident unless the insurer's file contains information from which the insurer in good faith determines that the insured was substantially at fault in the accident.

b. An insurer which imposes and collects such a surcharge or which refuses to renew such policy shall, in conjunction with the notice of premium due or notice of nonrenewal, notify the named insured that he or she is entitled to reimbursement of such amount or renewal of the policy under the conditions listed below and will subsequently reimburse him or her or renew the policy, if the named insured demonstrates that the operator involved in the accident was:

- (I) Lawfully parked;
- (II) Reimbursed by, or on behalf of, a person responsible for the accident or has a judgment against such person;
- (III) Struck in the rear by another vehicle headed in the same direction and was not convicted of a moving traffic violation in connection with the accident;
- (IV) Hit by a "hit-and-run" driver, if the accident was reported to the proper authorities within 24 hours after discovering the accident;
- (V) Not convicted of a moving traffic violation in connection with the accident, but the operator of the other automobile involved in such accident was convicted of a moving traffic violation;
- (VI) Finally adjudicated not to be liable by a court of competent jurisdiction;
- (VII) In receipt of a traffic citation which was dismissed or nolle prossed; or
- (VIII) Not at fault as evidenced by a written statement from the insured establishing facts demonstrating lack of fault which are not rebutted by information in the insurer's file from which the insurer in good faith determines that the insured was substantially at fault.

c. In addition to the other provisions of this subparagraph, an insurer may not fail to renew a policy if the insured has had only one accident in which he or she was at fault within the current 3-year period. However, an insurer may nonrenew a policy for reasons other than accidents in accordance with s. 627.728. This subparagraph does not prohibit nonrenewal of a policy under which the insured has had three or more accidents, regardless of fault, during the most recent 3-year period.

4. Imposing or requesting an additional premium for, or refusing to renew, a policy for motor vehicle insurance solely because the insured committed a noncriminal traffic infraction as described in s. 318.14 unless the infraction is:

- a. A second infraction committed within an 18-month period, or a third or subsequent infraction committed within a 36-month period.
 - b. A violation of s. 316.183, when such violation is a result of exceeding the lawful speed limit by more than 15 miles per hour.
5. Upon the request of the insured, the insurer and licensed agent shall supply to the insured the complete proof of fault or other criteria which justifies the additional charge or cancellation.

6. No insurer shall impose or request an additional premium for motor vehicle insurance, cancel or refuse to issue a policy, or refuse to renew a policy because the insured or the applicant is a handicapped or physically disabled person, so long as such handicap or physical disability does not substantially impair such person's mechanically assisted driving ability.

7. No insurer may cancel or otherwise terminate any insurance contract or coverage, or require execution of a consent to rate endorsement, during the stated policy term for the purpose of offering to issue, or issuing, a similar or identical contract or coverage to the same insured with the same exposure at a higher premium rate or continuing an existing contract or coverage with the same exposure at an increased premium.

8. No insurer may issue a nonrenewal notice on any insurance contract or coverage, or require execution of a consent to rate endorsement, for the purpose of offering to issue, or issuing, a similar or identical contract or coverage to the same insured at a higher premium rate or continuing an existing contract or coverage at an increased premium without meeting any applicable notice requirements.

9. No insurer shall, with respect to premiums charged for motor vehicle insurance, unfairly discriminate solely on the basis of age, sex, marital status, or scholastic achievement.

10. Imposing or requesting an additional premium for motor vehicle comprehensive or uninsured motorist coverage solely because the insured was involved in a motor vehicle accident or was convicted of a moving traffic violation.

11. No insurer shall cancel or issue a nonrenewal notice on any insurance policy or contract without complying with any applicable cancellation or nonrenewal provision required under the Florida Insurance Code.

12. No insurer shall impose or request an additional premium, cancel a policy, or issue a nonrenewal notice on any insurance policy or contract because of any traffic infraction when adjudication has been withheld and no points have been assessed pursuant to s. 318.14(9) and (10). However, this subparagraph does not apply to traffic infractions involving accidents in which the insurer has incurred a loss due to the fault of the insured.

And the title is amended as follows:

On page 74, line 24, after the second semicolon (;) insert: clarifying activities that constitute illegal dealings in premiums;

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **HB 513** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Dockery—

SB 2488—A bill to be entitled An act relating to mutual aid agreements; amending s. 23.1225, F.S.; providing clarification regarding agencies that may participate in such agreements; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 2488** was placed on the calendar of Bills on Third Reading.

SENATOR DOCKERY PRESIDING

On motion by Senator Bullard—

CS for SB 2380—A bill to be entitled An act relating to educational personnel; amending s. 1012.56, F.S.; revising the requirements for mastery of general knowledge, mastery of subject area knowledge, and mastery of professional preparation and education competence for a valid standard teaching certificate issued by another state; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2380** was placed on the calendar of Bills on Third Reading.

SPECIAL GUESTS

Senator Klein introduced the following guests who were present in the chamber: Congressman Allen Boyd, Jr. and Congresswoman Ellen Tauscher from California.

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

BILLS ON THIRD READING

On motion by Senator Argenziano, by two-thirds vote **HB 1123** was withdrawn from the Committees on Natural Resources; and Finance and Taxation.

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

HB 1123—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 tax credit applicants 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; amending s. 403.087, F.S.; limiting a hazardous waste corrective action permit fee; amending s. 403.722, F.S.; requiring a corrective action permit for certain actions affecting a hazardous waste disposal facility; conforming references governing transferability of tax credits; eliminating outdated language; providing an effective date.

—a companion measure, was substituted for **SB 2726** as amended and by two-thirds vote read the second time by title. On motion by Senator Argenziano, by two-thirds vote **HB 1123** was read the third time by title, 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	Geller	Saunders
Bennett	Haridopolos	Sebesta
Bullard	Hill	Siplin
Campbell	Jones	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Wasserman Schultz
Constantine	Lee	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

SPECIAL ORDER CALENDAR, continued

Consideration of **CS for SB 2054** was deferred.

SB 2680—A bill to be entitled An act relating to unclaimed property; amending s. 717.101, F.S.; revising a definition; creating s. 717.1071, F.S.; providing for determining when certain property of a demutualized insurance company is unclaimed; amending s. 717.1101, F.S.; revising provisions for determining when certain equity and debt of a business association is unclaimed; providing for reversing such determination; deleting an application provision; amending s. 717.119, F.S.; providing for disposition of certain unclaimed firearms or ammunition; providing duties of the Department of Financial Services; specifying absence of liability of the department for certain actions; providing an effective date.

—was read the second time by title.

On motion by Senator Campbell, further consideration of **SB 2680** was deferred.

On motion by Senator Atwater—

CS for SB 2744—A bill to be entitled An act relating to abused, neglected, and abandoned children; creating s. 39.0016, F.S.; creating definitions; providing for interpretation of the act; requiring an agreement between the Department of Children and Family Services and the Department of Education; requiring the Department of Children and Family Services to enter into agreements with public or private entities

for the delivery of services to children in custody or under the supervision of the department; requiring an agreement between the Department of Children and Family Services and district school boards; specifying provisions of such agreements; requiring access to certain information; requiring training components; providing an effective date.

—was read the second time by title.

Senator Wilson moved the following amendment which was adopted:

Amendment 1 (945704)—On page 4, line 30, after the period (.) insert: *The intervention or individual educational plan must include strategies to enable the child to receive a high school diploma.*

Pursuant to Rule 4.19, **CS for SB 2744** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

CS for CS for SB's 1852, 1628 and 2344—A bill to be entitled An act relating to determination of resident status for tuition purposes; amending s. 1009.21, F.S.; classifying specified students as residents for tuition purposes; classifying certain liaison officers and their spouses and dependent children as residents for tuition purposes; providing an effective date.

—was read the second time by title.

Senator Wilson moved the following amendment:

Amendment 1 (425980)—On page 7, lines 23-27, delete those lines.

On motion by Senator Villalobos, further consideration of **CS for CS for SB's 1852, 1628 and 2344** with pending **Amendment 1 (425980)** was deferred.

On motion by Senator Margolis, by two-thirds vote **HB 821** was withdrawn from the Committees on Banking and Insurance; Judiciary; Appropriations Subcommittee on General Government; and Appropriations.

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

HB 821—A bill to be entitled An act relating to service of process against the Florida Automobile Joint Underwriting Association; amending s. 627.311, F.S.; specifying that the Florida Automobile Joint Underwriting Association appoints its general manager as agent for service of process purposes; providing a limitation relating to method of service of process; providing an effective date.

—a companion measure, was substituted for **CS for SB 1960** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 821** was placed on the calendar of Bills on Third Reading.

On motion by Senator Crist—

CS for SB 294—A bill to be entitled An act relating to protective injunctions; providing a short title; amending s. 784.046, F.S.; defining the term "sexual violence"; providing for a cause of action for a protective injunction against sexual violence; providing for a petition to be filed when the sexual violence is reported to a law enforcement agency and the victim is cooperating in any investigation or when the respondent who was sentenced to imprisonment for the sexual violence has been or will be released; prohibiting the assessment of filing fees for a petition for protection against repeat violence, sexual violence, or dating violence; providing for the Office of the State Courts Administrator to reimburse the clerks of the court for filing fees, subject to legislative appropriation; conforming the petition required for protection against dating violence and repeat violence to include sexual violence; specifying the period of effect for an ex parte temporary injunction against a respondent released from state prison; providing requirements for serving an injunction; amending ss. 61.1825, 741.2901, 741.30, 741.315, 784.047, 784.048, 790.06, 790.065, 901.15, and 943.05, F.S., relating to

family violence, investigations of injunctions, statewide injunction verification system, foreign protection orders, penalties for violating a protective injunction, stalking, license to carry a concealed weapon, the sale and delivery of firearms, arrest without warrant, and the Criminal Justice Information Program; conforming provisions made by the act; reenacting ss. 61.1827(1), 741.31(4), 775.084(1)(d), and 921.0022(3)(g), F.S., relating to applicants and recipients of child support, violations of an injunction against violence, and the Criminal Punishment Code, to incorporate the amendments to ss. 61.1825, 741.2901, 741.30, 741.31, 741.315, 784.046, and 784.048, F.S., in references thereto; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 294** to **HB 561**.

Pending further consideration of **CS for SB 294** as amended, on motion by Senator Crist, by two-thirds vote **HB 561** was withdrawn from the Committees on Judiciary; Criminal Justice; Children and Families; Appropriations Subcommittee on Article V Implementation and Judiciary; and Appropriations.

On motion by Senator Crist by two-thirds vote—

HB 561—A bill to be entitled An act relating to protective injunctions; providing a popular name; amending s. 784.046, F.S.; defining the term “sexual violence”; providing for a cause of action for an injunction for protection in cases of sexual violence; providing for a petition to be filed on the victim’s own behalf or on behalf of a minor child under certain circumstances; requiring that the sexual violence be reported to a law enforcement agency and that the person filing the petition cooperate in any investigation; providing for a petition to be filed against a respondent who was sentenced to imprisonment for the sexual violence and who has been or will be released; prohibiting the assessment of filing fees for a petition for protection against repeat violence, sexual violence, or dating violence; providing for the Office of the State Courts Administrator to reimburse the clerks of the court for filing fees, subject to legislative appropriation; providing requirements for a petition for protection against sexual violence; specifying the period of effect for an ex parte temporary injunction against a respondent released from incarceration; providing requirements for serving an injunction; redesignating the Domestic, Dating, and Repeat Violence Injunction Statewide Verification System as the Domestic, Dating, Sexual, and Repeat Violence Injunction Statewide Verification System; requiring notice to the sheriff and law enforcement agencies; providing an effective date.

—a companion measure, was substituted for **CS for SB 294** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 561** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 700** was deferred.

CS for CS for SB 686—A bill to be entitled An act relating to public transit; amending s. 343.51, F.S.; providing a short title; amending s. 343.52, F.S.; revising definitions; amending s. 343.53, F.S.; disbanding the Tri-County Commuter Rail Authority and redesignating it as the South Florida Regional Transportation Authority; providing for a governing board of the authority; amending s. 343.54, F.S.; revising powers and duties of the authority with respect to planning and operating a transit system within a specified area of the state; requiring that the authority obtain consent prior to operating an existing system owned by another entity; authorizing the authority to expand its service area into counties contiguous to the service area of the authority under certain circumstances; providing employee rights; continuing the rights of employees to be represented by exclusive representatives; providing funding requirements; amending ss. 343.55, 343.56, 343.57, F.S.; providing for the authority to issue and pay revenue bonds; providing that the bonds are not debts or pledges of credit of the state; creating s. 343.58, F.S.; providing for dedicated funding from the counties served by the South Florida Regional Transportation Authority; specifying the amount of continuing funding required; providing a statement of important state interest; providing an effective date.

—was read the second time by title.

Senator Geller moved the following amendments which were adopted:

Amendment 1 (705164)(with title amendment)—On page 3, line 20 through page 5, line 13, delete those lines and insert:

(2) The governing board of the authority shall consist of nine voting members, as follows:

(a) The county commissions of ~~Miami-Dade~~ ~~Dade~~, Broward, and Palm Beach Counties shall each elect a commissioner as that commissioner’s representative on the board. The commissioner must be a member of the county commission when elected and for the full extent of his or her term.

(b) The county commissions of ~~Miami-Dade~~ ~~Dade~~, Broward, and Palm Beach Counties shall each appoint a citizen member to the board who is not a member of the county commission but who is a resident of the county from which he or she is appointed and a qualified elector of that county. Insofar as practicable, the citizen member shall represent the business and civic interests of the community.

(c) The secretary of the Department of Transportation shall appoint one of the district secretaries, or his or her designee, for the districts within which the area served by the *South Florida Regional Transportation Authority* ~~tri-county rail~~ is located.

(d) *If the authority’s service area is expanded pursuant to s. 343.54(5), the county containing the new service area shall have three members appointed to the board as follows:*

1. *The county commission of the county shall elect a commissioner as that commission’s representative on the board. The commissioner must be a member of the county commission when elected and for the full extent of his or her term.*

2. *The county commission of the county shall appoint a citizen member to the board who is not a member of the county commission but who is a resident and a qualified elector of that county. Insofar as is practicable, the citizen member shall represent the business and civic interests of the community.*

3. *The Governor shall appoint a citizen member to the board who is not a member of the county commission but who is a resident and a qualified elector of that county. ~~The other eight members of the board shall elect, by a simple majority vote, an at-large member who is a resident and qualified elector in the area served by the tri-county rail.~~*

(e) The Governor shall appoint *two members* ~~one member~~ to the board who *are residents and qualified electors* ~~is a resident and qualified elector~~ in the area served by the authority but who *are not residents of the same county and also not residents of the county in which the district secretary who was appointed pursuant to paragraph (c) is a resident* ~~tri-county rail~~.

(3)(a) *Members of the governing board of the authority shall be appointed to serve 4-year staggered terms, except that the terms of the appointees of the Governor shall be concurrent.*

(b) *The terms of the board members currently serving on the authority that is being succeeded by this act shall expire July 30, 2003, at which time the terms of the members appointed pursuant to subsection (2) shall commence. The Governor shall make his or her appointments to the board within 30 days after July 30, 2003. ~~The terms of the county commissioners on the governing board of the authority shall be 2 years. All other members on the governing board of the authority shall serve staggered 4-year terms. Each member shall hold office until his or her successor has been appointed.~~*

(4) A vacancy during a term shall be filled by the respective appointing authority in the same manner as the original appointment and only for the balance of the unexpired term.

(5) The members of the authority shall *serve without* ~~not be entitled to~~ compensation, but *are entitled to reimbursement* ~~shall be reimbursed~~ for travel expenses actually incurred in their duties as provided by law.

And the title is amended as follows:

On page 1, lines 5-9, delete those lines and insert: s. 343.53, F.S.; redesignating the Tri-County Rail Authority as the South Florida Regional Transportation Authority; revising provisions relating to appointment of the governing board of the authority; amending s. 343.54, F.S.;

Amendment 2 (942920)(with title amendment)—On page 9, lines 15-29, delete those lines and insert:

(5) *The authority, by a resolution of its governing board, may expand its service area and enter into a partnership with any county that is contiguous to the service area of the authority. The board shall determine the conditions and terms of the partnership, except as provided herein. However, the authority may not expand its service area without the consent of the board of county commissioners representing the proposed expansion area, and a county may not be added to the service area except in the year that federal reauthorization legislation for transportation funds is enacted.*

And the title is amended as follows:

On page 1, line 10 through the semicolon (;) on page 13, delete those lines and insert: revising powers and duties of the authority; authorizing the authority to expand its service area into counties contiguous to the service area of the authority upon consent of the board of county commissioners;

Amendment 3 (105206)(with title amendment)—On page 12, lines 1-16, delete those lines and insert:

Section 8. Paragraphs (a) and (b) of subsection (6) of section 112.3148, Florida Statutes, are amended to read:

112.3148 Reporting and prohibited receipt of gifts by individuals filing full or limited public disclosure of financial interests and by procurement employees.—

(6)(a) Notwithstanding the provisions of subsection (5), an entity of the legislative or judicial branch, a department or commission of the executive branch, a water management district created pursuant to s. 373.069, *South Florida Regional Transportation Tri-County Commuter Rail Authority*, the Technological Research and Development Authority, a county, a municipality, an airport authority, or a school board may give, either directly or indirectly, a gift having a value in excess of \$100 to any reporting individual or procurement employee if a public purpose can be shown for the gift; and a direct-support organization specifically authorized by law to support a governmental entity may give such a gift to a reporting individual or procurement employee who is an officer or employee of such governmental entity.

(b) Notwithstanding the provisions of subsection (4), a reporting individual or procurement employee may accept a gift having a value in excess of \$100 from an entity of the legislative or judicial branch, a department or commission of the executive branch, a water management district created pursuant to s. 373.069, *South Florida Regional Transportation Tri-County Commuter Rail Authority*, the Technological Research and Development Authority, a county, a municipality, an airport authority, or a school board if a public purpose can be shown for the gift; and a reporting individual or procurement employee who is an officer or employee of a governmental entity supported by a direct-support organization specifically authorized by law to support such governmental entity may accept such a gift from such direct-support organization.

Section 9. Paragraph (d) of subsection (10) of section 768.28, Florida Statutes, is amended to read:

768.28 Waiver of sovereign immunity in tort actions; recovery limits; limitation on attorney fees; statute of limitations; exclusions; indemnification; risk management programs.—

(10)

(d) For the purposes of this section, operators, dispatchers, and providers of security for rail services and rail facility maintenance providers in the South Florida Rail Corridor, or any of their employees or agents, performing such services under contract with and on behalf of the *South Florida Regional Transportation Tri-County Commuter Rail Authority* or the Department of Transportation shall be considered agents of the state while acting within the scope of and pursuant to guidelines established in said contract or by rule.

And the title is amended as follows:

On page 1, line 26-30, delete those lines and insert: state; amending ss. 112.3148 and 768.28, F.S.; conforming provisions to changes made by the act; providing a statement of

Senator Geller moved the following amendment:

Amendment 4 (274836)(with title amendment)—On page 12, between lines 16 and 17 insert:

Section 10. Section 343.58, Florida Statutes, is created to read:

343.58 *County funding for the South Florida Regional Transportation Authority.*—

(1) *Each county served by the South Florida Regional Transportation Authority must dedicate \$2.67 million to the authority annually. The recurring annual \$2.67 million must be dedicated by the governing body of each county by August 1, 2003. Notwithstanding ss. 206.41 and 206.87, such dedicated funding may come from each county's share of the ninth-cent fuel tax, the local option fuel tax, or any other source of local gas taxes or other nonfederal funds available to the counties. In addition, the Legislature authorizes the levy of an annual license tax in the amount of \$2 for the registration or renewal of registration of each vehicle taxed under s. 320.08 and registered in the area served by the South Florida Regional Transportation Authority. The annual license tax shall take effect in any county served by the authority upon approval by the residents in a county served by the authority. The annual license tax shall be levied and the Department of Highway Safety and Motor Vehicles shall remit the proceeds each month from the tax to the South Florida Regional Transportation Authority.*

(2) *In addition, each county shall continue to annually fund the operations of the South Florida Regional Transportation Authority in an amount not less than \$1.565 million. Such funds pursuant to this subsection shall also be considered a dedicated funding source.*

If, by December 31, 2009, the South Florida Regional Transportation Authority has not received federal matching funds based upon the dedication of funds under subsection (1), subsection (1) shall be repealed.

(Redesignate subsequent section.)

And the title is amended as follows:

On page 1, lines 27-30, delete those lines and insert: county funding for the authority; requiring counties served by the authority to dedicate a specified amount of funding; authorizing a tax on motor vehicle registration; requiring approval by referendum for such tax; providing for distribution to the authority of moneys received for the tax; providing a statement of

THE PRESIDENT PRESIDING

MOTION

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

Senator Klein moved the following amendment to **Amendment 4**:

Amendment 4A (741440)—On page 1, lines 19-23, delete those lines and insert:

(1) *Each county served by the South Florida Regional Transportation Authority may dedicate \$2.67 million to the authority annually. The recurring annual \$2.67 million must be dedicated by the governing body of each county by August 1, 2003 to qualify as a dedicated funding source for purposes of securing federal matching funds. Notwithstanding ss. 206.41 and 206.87, such dedicated*

On motion by Senator Geller, further consideration of **CS for CS for SB 686** with pending **Amendment 4 (274836)** and **Amendment 4A (741440)** was deferred.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Lee, by two-thirds vote **CS for SB 2098** was withdrawn from the Committees on Appropriations Subcommittee on Health and Human Services; and Appropriations.

MOTIONS RELATING TO COMMITTEE MEETINGS

Senator Lee announced that the meeting of the Special Order Subcommittee of the Committee on Rules and Calendar scheduled for this day was canceled.

MOTIONS

On motion by Senator Lee, a deadline of 7:19 p.m. this day, was set for filing amendments to the Special Order Calendar to be considered Tuesday, April 29.

On motion by Senator Lee, a deadline of 9:00 a.m. Tuesday, April 29, was set for filing amendments to Bills on Third Reading to be considered that day.

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 Tuesday, April 29.

On motion by Senator Lee, the rules were waived to allow the Special Order Calendar for Wednesday, April 30 to be set on the floor, Tuesday, April 29.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Monday, April 28, 2003: CS for CS for SB 1616, CS for SB 2148, CS for SB 2458, CS for SB 1078, CS for CS for SB 1202, CS for CS for SB's 1852, 1628 and 2344, CS for CS for SB 1584, CS for SB 1952, CS for CS for SB 2550, CS for CS for SB 1230, CS for SB 2652, CS for CS for SB 2678, CS for SB 606, CS for CS for SB's 108 and 110, CS for SB 1554, CS for SB 1558, SB 1748, CS for SB 2428, SB 2488, CS for SB 2380, CS for SB 2054, SB 2680, CS for SB 2744, CS for SB 294, CS for CS for SB 700, CS for CS for SB 686, CS for SB 1444, CS for CS for SB 1072, CS for CS for SB 1556, CS for CS for SB 1580, CS for SB 1754, SB 2002, CS for CS for SB 2070, SB 1638, CS for CS for SB 2172, CS for SB 2316, CS for SB 2518, CS for SB 2462, CS for SB 2334, CS for SB 2366, CS for SB 2228, CS for SB 2122, CS for SB 1784, CS for CS for SJR 1172 and SJR 1672, CS for CS for SB 478, CS for SB 654, CS for SB 1734

Respectfully submitted,
Tom Lee, Chair

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 271, HB 373, HB 517, HB 561, HB 605, HB 645, HB 647, HB 797, HB 799, HB 833, HB 849, HB 909, HB 959, HB 981, HB 1057, HB 1079, HB 1139, HB 1217, HB 1283, HB 1383, HB 1485, HB 1489, HB 1543, HB 1545, HB 1549, HB 1559, HB 1587, HB 1611, HB 1675, HB 1729, HB 1731, HB 1841, HB 1849, HB 1853, HB 1857, HB 1865; has passed as amended HB 75, HB 79, HB 203, HB 231, HB 293, HB 297, HB 303, HB 305, HB 371, HB 377, HB 421, HB 423, HB 457, HB 513, HB 533, HB 549, HB 581, HB 589, HB 597, HB 599, HB 601, HB 603, HB 623, HB 691, HB 721, HB 773, HB 789, HB 801, HB 811, HB 821, HB 835, HB 861, HB 881, HB 897, HB 915, HB 923, HB 1123, HB 1219, HB 1223, HB 1225, HB 1233, HB 1249, HB 1251, HB 1447, HB 1449, HB 1457, HB 1501, HB 1547, HB 1553, HB 1563, HB 1601, HB 1691, HB 1719, HB 1855; has passed by the required Constitutional three-fifths vote of the membership HB 1843, HB 1845, HB 1847, HB 1851; has adopted HM 575 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Reagan and others—

HB 271—A bill to be entitled An act relating to the Sarasota-Manatee Airport Authority; providing for codification of special laws regarding

special districts pursuant to s. 189.429, Florida Statutes, relating to the Sarasota-Manatee Airport Authority, a special district in Manatee and Sarasota Counties; providing legislative intent; codifying, amending, and reenacting chapters 91-358, 92-242, 95-493, 97-322, and 2000-480, Laws of Florida; omitting provisions that have had their effect and other obsolete provisions; omitting redundant provisions; revising cross references; providing a saving clause in the event any provision of the act is deemed invalid; repealing chapters 91-358, 92-242, 95-493, 97-322, and 2000-480, Laws of Florida; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Negron—

HB 373—A bill to be entitled An act relating to the Martin County Environmental Control Act; amending chapter 78-560, Laws of Florida; revising meeting requirements of the Martin County Environmental Control Board; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Kottkamp—

HB 517—A bill to be entitled An act relating to the Lee County Sheriff's Office, Lee County; amending chapter 74-522, Laws of Florida, as amended; revising the health insurance coverage of retirees to include partial payment for dependents; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Kyle and others—

HB 561—A bill to be entitled An act relating to protective injunctions; providing a popular name; amending s. 784.046, F.S.; defining the term "sexual violence"; providing for a cause of action for an injunction for protection in cases of sexual violence; providing for a petition to be filed on the victim's own behalf or on behalf of a minor child under certain circumstances; requiring that the sexual violence be reported to a law enforcement agency and that the person filing the petition cooperate in any investigation; providing for a petition to be filed against a respondent who was sentenced to imprisonment for the sexual violence and who has been or will be released; prohibiting the assessment of filing fees for a petition for protection against repeat violence, sexual violence, or dating violence; providing for the Office of the State Courts Administrator to reimburse the clerks of the court for filing fees, subject to legislative appropriation; providing requirements for a petition for protection against sexual violence; specifying the period of effect for an ex parte temporary injunction against a respondent released from incarceration; providing requirements for serving an injunction; redesignating the Domestic, Dating, and Repeat Violence Injunction Statewide Verification System as the Domestic, Dating, Sexual, and Repeat Violence Injunction Statewide Verification System; requiring notice to the sheriff and law enforcement agencies; providing an effective date.

—was referred to the Committees on Judiciary; Criminal Justice; Children and Families; Appropriations Subcommittee on Article V Implementation and Judiciary; and Appropriations.

By Representative Gardiner—

HB 605—A bill to be entitled An act relating to the City of Orlando, Orange County, relating to the pension fund of the police department of the city; amending chapter 22414, Laws of Florida (1943), as amended; defining participants; providing an effective date for all retirements; defining credited service to include both full and fractional years of service; providing for a change in the computation of monthly pension

for members with between 20 and 25 years of credited service; providing for reinstatement into the pension plan for members who retire and become reemployed as sworn members; providing for a BACKDROP retirement option plan as an improvement to present pension benefits; providing that additional costs of certain benefits be borne by members; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Mahon—

HB 645—A bill to be entitled An act relating to the Consolidated Government of the City of Jacksonville, Duval County; amending chapter 92-341, Laws of Florida; requiring that all elected officials within the consolidated government complete ethics education training; requiring that Chapter 602, Jacksonville Ordinance Code, apply to all such elected officials; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative D. Davis—

HB 647—A bill to be entitled An act relating to the Jacksonville Seaport Authority; amending chapters 92-341 and 2001-319, Laws of Florida, as amended; changing the name of the authority; amending certain requirements relating to competitive bidding; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Poppell—

HB 797—A bill to be entitled An act relating to Brevard County; providing for the relief of Alan S. Hammer; authorizing and directing the Brevard County Board of County Commissioners to compensate him for personal injuries suffered in an automobile accident caused by an employee of Brevard County; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Poppell—

HB 799—A bill to be entitled An act relating to Brevard County; providing for the relief of Howard S. Evarts and his wife, Donna Evarts; authorizing and directing the Brevard County Board of County Commissioners to compensate them for personal injuries suffered by Howard S. Evarts in an automobile accident caused by an employee of Brevard County; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Kendrick and others—

HB 833—A bill to be entitled An act relating to Levy County; amending ch. 98-473, Laws of Florida, relating to the Cedar Key Water and Sewer District; repealing a provision relating to bids for contracts; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Goodlette—

HB 849—A bill to be entitled An act relating to the Collier County Water-Sewer District, an independent special district in Collier County; codifying, amending, reenacting, and repealing the District's special acts; providing legislative intent, jurisdiction, and restrictions with regard to the City of Naples, Everglades City, the Immokalee Water and Sewer District, the City of Marco Island, the geographic area called Golden Gate, and other specified unincorporated areas of Collier County; providing definitions; providing authority with regard to adoption of rates, fees, and charges and issuance of bonds, trust funds, and trustees; providing for covenants of District Board with bondholders; providing that unpaid fees constitute liens; providing for publication of notice of issuance of bonds and that bonds shall have the qualities of negotiable instruments; providing for rights of holders and annual reports of the District Board; continuing provisions for District bonds as securities for public bodies; providing for contracts for construction of improvements and sealed bids, and special assessments; prohibiting free water and free sewer service; providing for impact fees; providing for conveyances of property without consideration; providing for District approval of construction of water and sewage facilities; providing for construction; providing for penalties and enforcement; repealing chapters 73-437, 74-462, 77-531, 78-489, 78-492, 80-484, 82-280, 88-499, 89-452, and 96-451, Laws of Florida; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Kyle—

HB 909—A bill to be entitled An act relating to Lee County; creating the Village of Captiva Charter; providing a popular name; providing legislative intent; providing for incorporation; providing for a council-manager form of government and its powers and duties; providing for a village council and its membership, including mayor, vice-mayor, and mayor pro tem, qualifications and terms of office, powers and duties, absence of compensation, expenses, and prescribed procedures relating to vacancies, including forfeiture of office, suspension, and recall; providing for meetings; providing for recordkeeping; providing certain restrictions; providing for charter officers and their appointment, removal, compensation, filling of vacancies, qualifications, and powers and duties; establishing a fiscal year; providing for a budget, appropriations, amendments, and limitations; providing for elections and matters relating thereto; defining boundaries of the city; specifying general provisions relating to charter review and amendment and standards of conduct; providing for severability; providing for a referendum, initial election of council members, transition services and compensation, first-year expenses, specified transitional matters, and state shared and gas tax revenues; providing effective dates.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Joyner and others—

HB 959—A bill to be entitled An act relating to Hillsborough County; authorizing the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to issue an alcoholic beverage license to the University Area Community Development Corporation for use within the University Area Community Center Complex and its adjoining patio deck; providing the license may be used for special events only; providing for payment of the license fee; providing for sale of beverages for consumption within the University Area Community Center Complex and its adjoining patio deck; prohibiting sales for consumption off premises; providing for removal from the premises of partially consumed, open containers; providing for transfer of the license; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Ausley and others—

HB 981—A bill to be entitled An act relating to the Tallahassee downtown improvement authority as a body corporate; codifying, reenacting, amending, and repealing chapters 71-935 and 91-394, Laws of Florida; providing a popular name; providing definitions; providing a statement of policy and legislative findings; prescribing the boundaries of the downtown area; prescribing the number, qualifications, term, and methods of appointment and removal of members; providing for filling vacancies in office, for service without compensation, for reimbursement of expenses, for bonding, and for personal liability in certain instances; providing for bylaws and internal governance of the board, prescribing its functions and powers, including powers to acquire, own, lease, and dispose of property, to request the City of Tallahassee to exercise its eminent domain power for public purposes, to issue, sell, and provide security for revenue certificates, to borrow on short term, to fix, regulate, and collect rates and charges, to maintain offices, to employ and prescribe the duties, authority, tenure, compensation, and expense reimbursement of a director and other staff, and to exercise all necessary incidental powers; prescribing for the city to levy in each fiscal year an ad valorem property tax of not more than 1 mill to finance board operations; providing for assessment and collection thereof by the city; requiring maintenance of records, budget, and fiscal control; forbidding participation on behalf of the board by personnel financially interested in the matter involved; providing for succession by the city to the property and certain functions of the board if it ceases to exist or operate; regulating issuance of board revenue certificates; prescribing scope of this act; providing for a freeholders election, and providing for its liberal construction and severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Johnson—

HB 1057—A bill to be entitled An act relating to the Town of Monte Vista, Lake County; repealing ch. 10867, 1925, Laws of Florida; abolishing the town and transferring its assets and liabilities to the Board of County Commissioners of Lake County; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Spratt—

HB 1079—A bill to be entitled An act relating to Central County Water Control District, Hendry County; amending ch. 2000-415, Laws of Florida; requiring that the supervisors of the district be elected by a vote of qualified electors residing in the district; establishing procedures and extending certain supervisor terms for the implementation of this act; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Goodlette—

HB 1139—A bill to be entitled An act relating to Collier County; providing for liens in favor of a nonprofit corporation operating a charitable hospital within the county; authorizing such liens on judgments and settlements recovered from a tortfeasor causing a patient's injury for reasonable charges owed to a hospital for services provided to an injured person; providing limitations; providing for determination by the court of amount of recovery when a patient and hospital cannot agree on the actual amount; providing for reduction of the lien by any payments to the hospital by or on behalf of a patient; providing for notification to the hospital of the patient's intent to claim damages from the tortfeasor; requiring the hospital to state its intent to assert its lien within a prescribed time; providing a waiver of the right for failure to state such intent; providing that payment to the hospital pursuant to this act fully

satisfies the patient's hospital charges and bill; requiring that the hospital provide a patient with reasonably necessary information; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Poppell—

HB 1217—A bill to be entitled An act relating to Titusville-Cocoa Airport District, a dependent special district in Brevard County; codifying the District's charter pursuant to s. 189.429, Florida Statutes; providing for codification of special laws relating to Titusville-Cocoa Airport District pursuant to s. 189.429, F.S.; providing legislative intent; amending, codifying, repealing, and reenacting all prior special acts; declaring the status of the District; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Mahon—

HB 1283—A bill to be entitled An act relating to the Consolidated Government of the City of Jacksonville, Duval County; amending ch. 92-341, Laws of Florida, as amended; clarifying the right of the council auditor to audit all entities within the consolidated government and all independent agencies and county officers; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Murman and others—

HB 1383—A bill to be entitled An act relating to the Hillsborough County Aviation Authority; codifying, reenacting, and amending the Authority's special acts; removing gender specific language; providing a short title; providing that the act is a reviser; deleting provisions which have expired, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies and redundancies; improving clarity and facilitating correct interpretation; providing for compliance with federal law in the expenditure of federal moneys; providing for the rights of employees; providing the act is an additional, alternative, and complete method for the exercise of powers by the Authority; providing a declaration of findings relating to Authority facilities and concessions; providing definitions; providing the purpose of the Authority; providing for members of the Authority, their procedures, and for removal; providing mandatory and discretionary powers and adding discretionary powers which are standard business practices of independent special districts not previously enumerated; providing for alcoholic beverage licenses owned by the Authority and for others operating on Authority property; providing for county and municipal powers and responsibilities and for private ownership transfers; providing for bonds and clarifying that terms of the bonds may be contained in bond documents; providing for bondholder rights and clarifying that bondholder rights may be contained in bond documents; providing for the award of contracts; providing for the legal effects of the acquisition of property or rights therein and for the sale of bonds; providing for an ad valorem tax; prohibiting the use of the taxing power of the state; providing for a covenant of the state; providing for an exemption from taxation; prohibiting discriminatory practices; providing for recodification; providing for grammatical usage; providing for severability; repealing chapters 23339 (1945), 24579 (1947), 27599 (1951), 57-1379, 59-1356, 61-2261, 61-2263, 67-1474, 72-561, 74-496, 75-388, 75-398, 75-401, 83-424, and 96-455, Laws of Florida, relating to the Authority; providing a savings clause; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Jennings and others—

HB 1485—A bill to be entitled An act relating to Alachua County; amending chapter 98-502, Laws of Florida; increasing the Alachua County Library District Governing Board from five to six members to add a School Board of Alachua County member; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative H. Gibson—

HB 1489—A bill to be entitled An act relating to the Lake County Water Authority, formerly known as the Oklawaha Basin Recreation and Water Conservation and Control Authority, Lake County; amending ch. 29222, Laws of Florida, 1953, as amended; providing conditions for the authority’s election of officers; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Gottlieb—

HB 1543—A bill to be entitled An act relating to Broward County; clarifying and delineating the corporate limits of the Cities of Coral Springs and Margate to include specified lands within said corporate limits; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Gottlieb—

HB 1545—A bill to be entitled An act relating to the City of Coral Springs, Broward County; extending and enlarging the corporate limits of the City of Coral Springs to include specified unincorporated lands within said corporate limits; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Gottlieb—

HB 1549—A bill to be entitled An act relating to the Cities of Coconut Creek and Parkland, Broward County; clarifying and delineating the common boundaries between the respective municipalities; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Gottlieb—

HB 1559—A bill to be entitled An act relating to the City of Weston, Broward County; extending and enlarging the corporate limits of the City of Weston to include specific unincorporated lands within said corporate limits; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Brown—

HB 1587—A bill to be entitled An act relating to Okaloosa County; amending chapter 2000-434, Laws of Florida; revising boundaries of the Baker Fire District, Okaloosa County; amending chapter 2001-333, Laws of Florida; revising boundaries of the North Okaloosa Fire District; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Waters—

HB 1611—A bill to be entitled An act relating to the Greater Seminole Area Special Recreation District, Pinellas County; providing for codification of special laws relating to the district; providing legislative intent; codifying, reenacting, and amending chapters 80-584, 84-515, 84-516, 86-445, 88-445, Laws of Florida; describing district boundaries; providing for the district commissioners, their appointment and powers; repealing chapters 80-584, 84-515, 84-516, 86-445, 88-445, Laws of Florida; providing for liberal construction; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Prieguez and others—

HB 1675—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 referred to the Committees on Criminal Justice; Appropriations Subcommittee on Criminal Justice; and Appropriations.

By Representative Sorensen—

HB 1729—A bill to be entitled An act relating to the Florida Keys Mosquito Control District, Monroe County; amending chapter 2002-346, Laws of Florida; increasing the amount of money which may be borrowed from \$150,000 for a period of time not to exceed 2 years to \$1 million for a period of time not to exceed 5 years; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Sorensen—

HB 1731—A bill to be entitled An act relating to the Florida Keys Mosquito Control District, Monroe County; amending chapter 2002-346, Laws of Florida; authorizing the district to make purchases up to the limit in s. 287.017(1)(a), F.S., without formal bids; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Appropriations; and Representative Brummer—

HB 1841—A bill to be entitled An act relating to the Educational Enhancement Trust Fund; amending ss. 24.121 and 1010.70, F.S.; increasing amounts to be deposited into the Educational Enhancement Trust Fund; providing an effective date.

—was referred to the Committee on Appropriations.

By the Committee on Appropriations; and Representative Brummer—

HB 1849—A bill to be entitled An act relating to the Public Employees Relations Commission; amending s. 212.20, F.S.; providing for deposit into the Public Employees Relations Commission Trust Fund of certain proceeds of the local government half-cent sales tax that would otherwise be deposited into the Local Government Half-cent Sales Tax Clearing Trust Fund; amending s. 447.305, F.S.; increasing the fee for registration or renewal of registration of employee organizations seeking to become certified bargaining agents for public employees; providing for deposit of the proceeds of such fees into the Public Employees Relations Commission Trust Fund; providing an effective date.

—was referred to the Committee on Appropriations.

By the Committee on Appropriations; and Representative Kyle—

HB 1853—A bill to be entitled An act relating to the Budget Stabilization Fund; amending s. 216.222, F.S.; providing for transferring moneys from the fund to the General Revenue Fund in an emergency; specifying conditions of an emergency; requiring a self-insurance reserve fund to be maintained at certain levels; providing for transfers from the Budget Stabilization Fund to the State Risk Management Trust Fund under certain circumstances; providing limitations; providing an effective date.

—was referred to the Committee on Appropriations.

By the Committee on Local Government and Veterans' Affairs; and Representative Kilmer—

HB 1857—A bill to be entitled An act relating to the Panama City Port Authority, Bay County; providing for codification of the district's charter; codifying, amending, and reenacting the district's special acts; providing for severability; repealing chapters 17643 (1935), 23466 (1945), 57-1704, 69-1442, 79-545, 84-389, and 85-380, Laws of Florida; providing for liberal construction; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Local Government and Veterans' Affairs; and Representative Sorensen—

HB 1865—A bill to be entitled An act relating to the Manatee County local option sales tax; validating all acts and proceedings had and taken in connection with the special election held in Manatee County; authorizing the levy of the one half-cent local option sales tax in Manatee County for the purpose of providing funds to finance the cost of acquisition, construction, and installation of, and renovation to, certain capital improvements and educational facilities within the District; declaring said special election legal and valid; approving the issuance of sales tax revenue bonds; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Stansel and others—

HB 75—A bill to be entitled An act relating to motor vehicles; amending s. 316.2398, F.S.; revising provisions that regulate the display or use

of red lights on motor vehicles of volunteer firefighters or medical staff; providing an effective date.

—was referred to the Committees on Transportation; Governmental Oversight and Productivity; and Criminal Justice.

By Representative Mack and others—

HB 79—A bill to be entitled An act relating to communications services; amending s. 812.15, F.S.; revising definition of "cable operator" and "cable system" and defining "communications device," "communications service," "communications service provider," and "manufacture, development, or assembly of a communications device"; prohibiting certain interception, reception, decryption, disruption, transmission, retransmission, or acquisition of access to described communications services and prohibiting assisting others in doing so; prohibiting described communications devices for certain purposes and promotion of such devices; providing criminal and civil penalties; providing for actual and statutory damages; exempting described entities under certain circumstances; providing an effective date.

—was referred to the Committees on Communication and Public Utilities; Criminal Justice; Judiciary; Appropriations Subcommittee on Criminal Justice; and Appropriations.

By Representative Sorensen and others—

HB 203—A bill to be entitled An act relating to the Lower Florida Keys Hospital District, Monroe County; providing legislative intent; codifying, amending, repealing, and reenacting all special acts relating to the district; repealing chapters 67-1724, 69-1322, 72-617, 73-555, 73-558, 75-450, 77-600, 77-601, 77-602, 77-603, 78-565, 79-511, 82-414, 87-459, 89-551, and 94-415, Laws of Florida; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Russell and others—

HB 231—A bill to be entitled An act relating to instructional materials for K-12 public education; authorizing the Department of Education to conduct a pilot program; authorizing a pilot program within specified counties to enable selected school districts to realize cost savings in the purchase of used instructional materials; imposing requirements on the vendors of such materials; absolving the state from responsibility for certain financial losses; requiring the Council for Education Policy Research and Improvement to report to the Legislature; providing for future repeal; providing an effective date.

—was referred to the Committees on Education; Governmental Oversight and Productivity; Appropriations Subcommittee on Education; and Appropriations.

By Representative Smith and others—

HB 293—A bill to be entitled An act relating to the Florida Litter Law; amending s. 403.413, F.S.; revising language that prohibits the dumping of litter in or on private property under certain circumstances; requiring that the community service imposed for certain violations be performed in specified areas; providing an effective date.

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

By Representative Gannon—

HB 297—A bill to be entitled An act relating to the Greater Boca Raton Beach and Park District, Palm Beach County, an independent special district of the state; codifying, amending, and reenacting special

laws relating to the district; providing legislative intent; repealing chapters 74-423, 75-330, 76-323, 82-350, 85-481, and 97-330, Laws of Florida, relating to the district; providing for liberal construction; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Prieguez and others—

HB 303—A bill to be entitled An act relating to Miami-Dade County; providing for the relief of Jonathan Snell, a minor, and Erika Snell, a minor, by and through their mother and natural guardian, Latisha Snell; providing for an appropriation to compensate them for injuries and damages sustained as a result of the negligence of Miami-Dade County; providing for the use of such funds; providing for payment of costs, attorneys' fees, and outstanding medical bills; providing for repayment of Medicaid liens; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Mayfield—

HB 305—A bill to be entitled An act relating to the Indian River County School Board; providing for the relief of Tylor Griffeth, a minor, by and through Mark Griffeth and Teresa Griffeth, his parents and natural guardians; providing for an appropriation to compensate Tylor Griffeth for injuries caused by the negligence of the school board; specifying uses of the funds; providing for attorney's fees and costs; providing an effective date

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative D. Davis—

HB 371—A bill to be entitled An act relating to the City of Jacksonville; amending chapter 92-341, Laws of Florida, as amended; clarifying exemptions provided in the Charter of the City of Jacksonville to the civil service status of designated positions; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Mayfield—

HB 377—A bill to be entitled An act relating to the Indian River County School Board; providing for the relief of Taylor Rosemond, a minor, by and through her parents and natural guardians, Alvin and Shirley Rosemond; providing for an appropriation to compensate her for injuries sustained due to the negligence of the Indian River County School Board; providing for the use of such funds; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Kottkamp—

HB 421—A bill to be entitled An act relating to Lee County and the City of Cape Coral; providing for the annexation of various County-administered enclaves by interlocal agreement between the city and county, subject to approval by referendum; providing for procedures for adoption of the agreement and for a referendum; providing for authority for assumption of municipal service duties and transfer of infrastructure; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Benson—

HB 423—A bill to be entitled An act relating to the City of Pensacola; amending ch. 72-655, Laws of Florida; revising provisions relating to referendum elections for levy of ad valorem property tax for the Pensacola downtown area; amending downtown area boundaries; providing for abolishment of the Pensacola downtown improvement board; providing for eligibility of electors; deleting provisions relating to registration of electors; providing for election procedures and results; removing provisions relating to notification, additional registration, voting, and passage of and failure to approve the act; providing for an abolishment referendum; providing for transmittal of referendum results; providing for continued function; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Culp and others—

HB 457—A bill to be entitled An act relating to the indigent care and trauma center discretionary sales surtax; amending s. 212.055, F.S.; reviving, reenacting, and amending the indigent care and trauma center discretionary sales surtax; requiring a biennial audit of a certain trust fund; requiring delivery of the audit report to certain entities; deleting a future expiration provision; providing an effective date.

—was referred to the Committee on Health, Aging, and Long-Term Care; Committee on Comprehensive Planning; and Committee on Finance and Taxation.

By Representative Benson and others—

HB 513—A bill to be entitled An act relating to insurance claims and premium payments; amending s. 627.4035, F.S.; providing for the payment of insurance premiums by a debit or credit card, automatic electronic funds transfer, or payroll deduction plan; amending s. 627.7015, F.S.; defining "claim" for purposes of alternative procedures for resolution of disputed property insurance claims; amending s. 627.901, F.S.; revising limits on service charges for premium financing; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Representative D. Davis and others—

HB 533—A bill to be entitled An act relating to county tourism promotion agencies; amending s. 125.01, F.S.; revising powers of the county governing body; authorizing the county to prohibit business entities that are not county tourism promotion agencies from using certain specified designations; amending s. 125.0104, F.S.; revising powers and duties of county tourism promotion agencies; authorizing the use of certain designations by said agencies; providing an effective date.

—was referred to the Committees on Commerce, Economic Opportunities, and Consumer Services; Comprehensive Planning; and Finance and Taxation.

By Representative Domino and others—

HB 549—A bill to be entitled An act relating to the West Palm Beach Police Pension Fund of the City of West Palm Beach, Palm Beach County; revising provisions relating to chapter 185 share accounts and deferred retirement option plan accounts; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Kendrick and others—

HB 581—A bill to be entitled An act relating to the Madison County Hospital District; providing for codification of special laws regarding the district; providing that the district is an independent special district; providing legislative intent; codifying, amending, and reenacting the district's special acts; providing for applicability of ch. 189, F.S., and other general laws; providing a district charter; providing for severability; repealing all prior special acts related to the district; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Kyle—

HB 589—A bill to be entitled An act relating to the Lee County School District; requiring the Lee County School Board to submit to the electors of the county school district in conjunction with the 2004 general elections the question of whether the district school board shall consist of five members, each to be elected from a single-member residence area by electors residing in that residence area only; providing an exemption; providing for an earlier vote under certain circumstances; providing for the expiration of the term of current members under certain circumstances with staggered terms thereafter; providing direction to the Supervisor of Elections; providing for a referendum; providing a ballot statement; providing for the district school board to draw five single-member residence areas and to provide for transition; providing for terms of office and staggering; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Comprehensive Planning; and Rules and Calendar.

By Representative Allen—

HB 597—A bill to be entitled An act relating to the Canaveral Port District, Brevard County; providing legislative intent; codifying, amending, and reenacting special acts relating to the district; providing severability; providing purpose and construction; repealing chapters 28922 (1953), 30606 (1955), 57-1178, 59-1093, 65-1286, 65-1287, 67-1131, 67-1144, 69-857, 69-868, 70-592, 70-601, 74-426, 74-427, 74-428, 75-335, 75-341, 76-326, 76-327, 78-471, 79-430, 80-455, 82-266, 84-394, 87-431, 88-483, 89-408, 89-553, 94-436, 95-465, and 2000-418, Laws of Florida; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Comprehensive Planning; and Rules and Calendar.

By Representative Bilirakis—

HB 599—A bill to be entitled An act relating to the East Lake Tarpon Special Fire Control District, Pinellas County; amending sections 3(2) and 11 of section 1 of chapter 2000-477, Laws of Florida; providing authority of the district with respect to land that is annexed by a municipality or other fire control district; providing for collection and payment of fire services taxes or assessments by such municipality or other district; providing for future repeal of the amendments made by the act; providing effective dates.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Allen—

HB 601—A bill to be entitled An act relating to the Cape Canaveral Hospital District, Brevard County; providing legislative intent; codify-

ing, amending, and reenacting special acts relating to the district; providing minimum charter requirements in accordance with s. 189.404(3), F.S.; authorizing an exchange of submerged lands under specified conditions; declaring public purpose; approving any authorized permitted activities; authorizing the district to prepare a public facilities report and enact regulations to implement such report; deeming the public facilities report to be consistent with the City of Cocoa Beach's charter provisions and comprehensive plan regulating height, density, and fill of submerged lands provided specified state law standards are satisfied; providing severability; providing for liberal construction; repealing chapters 59-1121, 61-1903, 65-1290, 69-861, 75-332, 81-345, and 86-426, Laws of Florida; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Comprehensive Planning; and Rules and Calendar.

By Representative Murzin—

HB 603—A bill to be entitled An act relating to the General Pension and Retirement Fund of the City of Pensacola, Escambia County; amending chapter 99-474, Laws of Florida, as amended by chapter 2000-470, Laws of Florida; revising definitions; revising provisions for investments of funds; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Evers and others—

HB 623—A bill to be entitled An act relating to the Northwest Florida Water Management District; amending s. 373.4145, F.S.; continuing the interim part IV permitting program for the Northwest Florida Water Management District; providing a future repeal of such interim program; removing obsolete provisions; providing an effective date.

—was referred to the Committees on Natural Resources; Appropriations Subcommittee on General Government; and Appropriations.

By Representative Hasner—

HB 691—A bill to be entitled An act relating to economic development incentive programs; amending s. 220.191, F.S.; including certain financial services facilities as a qualified project for purposes of the capital investment tax credit; providing for future repeal; amending s. 288.1045, F.S.; revising a definition; amending s. 288.106, F.S.; revising a definition of target industry business to include defense and homeland security businesses; extending a deadline for application for a prorated tax refund under an economic stimulus exemption; amending s. 288.1088, F.S.; deleting a function of the Executive Office of the Governor relating to project approval recommendations and release of certain funds; authorizing the Governor to reallocate unencumbered funds in the Quick Action Closing Fund to supplement certain economic development programs and operations in emergency or special circumstances; providing for reallocation approval and fund release recommendations by the Executive Office of the Governor; providing an effective date.

—was referred to the Committees on Commerce, Economic Opportunities, and Consumer Services; Finance and Taxation; Appropriations Subcommittee on Transportation and Economic Development; and Appropriations.

By Representative Llorente and others—

HB 721—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; requiring certain insurers to be the direct obligor on certain agreements or warranties or issue a contractual liability insurance policy meeting certain requirements; providing for

nonapplication of the exemptions under certain circumstances; providing an effective date.

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

By Representative Gardiner and others—

HB 773—A bill to be entitled An act relating to the Central Florida Regional Transportation Authority; amending s. 343.63, F.S.; revising membership of the governing board of the authority; providing an effective date.

—was referred to the Committees on Transportation; Comprehensive Planning; Governmental Oversight and Productivity; Appropriations Subcommittee on Transportation and Economic Development; and Appropriations.

By Representative Barreiro and others—

HB 789—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, Inc., of annual use fees received from the sale of such plates; providing an effective date.

—was referred to the Committees on Transportation; Health, Aging, and Long-Term Care; Finance and Taxation; Appropriations Subcommittee on Transportation and Economic Development; and Appropriations.

By Representative Domino and others—

HB 801—A bill to be entitled An act relating to the City of West Palm Beach, Palm Beach County; amending the West Palm Beach Firefighters Pension Fund to provide for optional methods of crediting investment earnings to chapter 175, Florida Statutes, share accounts and DROP accounts; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Domino—

HB 811—A bill to be entitled An act relating to Palm Beach County; amending ch. 92-264, Laws of Florida; providing for notice of non-ad valorem assessments; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Gannon—

HB 821—A bill to be entitled An act relating to service of process against the Florida Automobile Joint Underwriting Association; amending s. 627.311, F.S.; specifying that the Florida Automobile Joint Underwriting Association appoints its general manager as agent for service of process purposes; providing a limitation relating to method of service of process; providing an effective date.

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

By Representative Mahon and others—

HB 835—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 registrants 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 referred to the Committees on Judiciary; Children and Families; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Representative Bilirakis and others—

HB 861—A bill to be entitled An act relating to homeowners' associations; amending s. 712.05, F.S.; providing that a recorded notice to preserve a claim of right or covenant or restriction, or a part thereof, may be filed by a homeowners association upon approval by two-thirds of that association's board of directors; amending s. 712.06, F.S.; providing that content requirements of a recorded notice to preserve a claim of right may be satisfied by a homeowners associations affidavit affirming the delivery of a statement to its members; providing a form of said statement of marketable title action; providing that recorded notice of a claim of right is deemed sufficient description of property if it cites official records describing said property by book and page; amending s. 720.303, F.S.; providing powers for associations controlled by unit owners other than the developer; providing a limitation on the ability to initiate certain litigation; amending s. 720.306, F.S.; prohibiting certain amendments to bylaws of the associations; providing for a limitation on the applicability of certain provisions of the act; providing an effective date.

—was referred to the Committees on Comprehensive Planning; Commerce, Economic Opportunities, and Consumer Services; and Judiciary.

By Representative Detert—

HB 881—A bill to be entitled An act relating to Charlotte and Sarasota Counties; creating the Englewood Water District; providing for codification of special laws regarding special districts pursuant to s. 189.429, F.S., relating to the Englewood Water District; establishing boundaries; providing definitions; providing for election of a Board of Supervisors to govern said District; establishing powers, authority, and duties of the Board; granting to said governing board the authority in the territory defined to construct, acquire, extend, enlarge, reconstruct, improve, maintain, equip, repair, and operate a water system, wastewater system, or wastewater reuse system, or any combination thereof; authorizing the levy and collection of non-ad valorem assessments on property benefited by the construction of such water system, wastewater system, wastewater reuse system, or combined systems; providing for optional methods of financing the cost of the water system, wastewater system, wastewater reuse system, or combined systems or extensions and additions thereto by the issuance of revenue bonds or assessment bonds or any combination thereof and the fixing and collection thereof and the fixing and collection of rates and charges on users of such systems; providing for the levy and collection of non-ad valorem assessments on benefited property and the pledge of such assessments for the payment of any revenue bonds or assessment bonds; providing for the rights, remedies, and security of any of the holders of said bonds; providing penalties; repealing chapter 96-499, Laws of Florida, relating to the creation and establishment of the Englewood Water District; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Dean—

HB 897—A bill to be entitled An act relating to the Homosassa Special Water District in Citrus County; codifying, reenacting, amending, and repealing special acts related to the District; creating a District charter; creating an independent special district; providing a District boundary; providing powers, functions, and duties of the District; providing for amendment of the charter; providing for the District purpose; providing for financial disclosure, meeting notices, reporting, public records maintenance, and per diem expenses; providing District powers, functions, and duties; providing for a District governing board; providing for a chair and secretary-treasurer; providing for general obligation bonds; providing for revenue bonds; providing for refunding bonds; providing for levy of ad valorem taxes; providing for payment of bonds; providing for authority to levy and collect tax on real and personal property for administrative costs, expenditure generally; providing for construction costs; providing for special assessments for construction, reconstruction, repair, or maintenance of improvements; providing for exemption from taxes and assessments; providing for liberal construction; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Pickens and others—

HB 915—A bill to be entitled An act relating to K-20 education accountability; amending s. 1008.31, F.S.; expanding legislative intent for the K-20 education performance accountability system; providing requirements and an implementation schedule for performance-based funding; providing mission, goals, and measures; requiring collection of certain data; requiring the State Board of Education to conduct an assessment study; authorizing adoption of equivalent scores for purpose of graduation; providing an effective date.

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

By Representative Fiorentino—

HB 923—A bill to be entitled An act relating to prescription labeling and reimbursement; creating s. 456.0392, F.S.; requiring a prescribing practitioner's federal Drug Enforcement Administration number or professional license number on prescriptions for non-controlled substances; prohibiting requiring the submission of the practitioner's federal Drug Enforcement Administration number as a condition for reimbursement or receipt of benefits; providing an effective date.

—was referred to the Committees on Health, Aging, and Long-Term Care; and Criminal Justice.

By Representative Clarke and others—

HB 1123—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 tax credit applicants 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; amending s. 403.087, F.S.; limiting a hazardous waste corrective action permit fee; amending s. 403.722, F.S.; requiring a corrective action permit for certain actions affecting a hazardous waste disposal facility; conforming references governing transferability of tax credits; eliminating outdated language; providing an effective date.

—was referred to the Committees on Natural Resources; and Finance and Taxation.

By Representative Poppell—

HB 1219—A bill to be entitled An act relating to the North Brevard County Hospital District, a special taxing district in Brevard County; codifying, reenacting, and amending the district's charter; providing purpose; providing boundaries; establishing the North Brevard County Hospital District Board; providing for membership, procedures, terms of office, removal from office, and filling of vacancies; providing for election of officers of the board; providing for a depository of board funds; authorizing the issuance of bonds; authorizing the establishment, construction, equipping, operation, maintenance, repair, or lease of facilities; providing for ad valorem taxation; authorizing contracts; providing for a training school for nurses; providing for public records; empowering the board to adopt rules and regulations; designating the Parrish Medical Center; providing for purchase of equipment; providing for discharge of employees or agents; providing for an employee retirement program; providing for use of moneys received; providing for transfer of residual assets in the event of dissolution of the district; providing for the sale of hospital facilities under certain circumstances; providing for lease of certain properties to third parties under certain circumstances; providing for disposition of surplus property; authorizing the board to establish a not-for-profit support corporation; providing for expenditure of funds therefor; providing for public records and meetings; providing exceptions; requiring an annual financial report; providing for adoption of provisions relating to the support corporation; providing for directors of the support corporation; providing for terms and financial disclosure; prohibiting certain acts of the support corporation; providing for adoption of articles of incorporation; providing for distribution of assets; prohibiting certain use of funds of the district; providing severability; providing for conflict; providing construction; repealing chapters 28924 (1953), 61-1910, 63-1140, 69-870, 70-606, 72-478, 73-409, 77-503, 81-347, 87-435, 88-453, 90-489, 91-339, 92-226, and 95-502, Laws of Florida; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Comprehensive Planning; and Rules and Calendar.

By Representative Kilmer—

HB 1223—A bill to be entitled An act relating to Jackson County Hospital District, Jackson County; codifying special laws relating to the district; amending, codifying, and reenacting all special acts relating to the Jackson County Hospital District as a single act; repealing all prior special acts related to Jackson County Hospital Corporation; renaming the corporation the Jackson County Hospital District; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Benson—

HB 1225—A bill to be entitled An act relating to Midway Fire District, formerly Midway Fire Protection District, Santa Rosa County; providing for codification of special laws relating to the district; amending, codifying, reenacting, and repealing all prior special acts; providing definitions; providing for creation, status, charter amendments, boundaries, and district purposes; providing for a board of commissioners and powers, duties, and responsibilities thereof; providing for election of officers; providing for compensation and execution of bonds; preserving authority to levy ad valorem taxes, non-ad valorem assessments, and impact fees; providing powers and authority; providing for use of district funds; requiring a record of all board meetings; authorizing the board to adopt policies and regulations; providing for the board to make an annual budget; authorizing the board to enact fire prevention ordinances, appoint a fire marshal, acquire land, enter contracts, and operate a fire rescue service; providing for annexation of district lands; providing for dissolution; providing immunity from tort liability for officers, agents, and employees; providing for district expansion; providing for construction and effect; repealing chapters 80-607, 82-377, and 90-425, Laws of Florida; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Negron—

HB 1233—A bill to be entitled An act relating to St. Lucie County Mosquito Control District; codifying, reenacting, amending, and repealing special acts related to the district; providing a charter; providing boundaries of the district; providing for a governing board and operation of the district in accordance with ch. 388, F.S.; providing for compensation; providing for district powers, functions, and duties; providing a public nuisance declaration; providing bond procedures; providing for ad valorem taxes; providing boundary revision procedures; providing for construction and effect; repealing chapters 29502 (1953), 59-1794, 59-1796, 61-2760, 65-2187, 80-598, 87-510, and 96-461, Laws of Florida; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Mayfield—

HB 1249—A bill to be entitled An act relating to Indian River County; providing for the relief of Clay Haywood, a minor, and Tatiana Haywood, a minor, by and through their mother and natural guardian, Michelle O'Halloran; providing for an appropriation to compensate them for injuries and damages caused by the negligence of the Indian River County School Board; providing for the use of such funds; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Green—

HB 1251—A bill to be entitled An act relating to the Bayshore Fire Protection and Rescue Service District, Lee County; providing for codification of special laws relating to the District; amending, codifying, reenacting, and repealing all prior special acts; providing definitions; providing for creation, status, charter amendments, and boundaries; providing for a board of commissioners and the board's powers, duties, and responsibilities; providing authority to levy ad valorem taxes and non-ad valorem assessments; providing for the District's fiscal year; providing for deposit of District funds; authorizing the District to borrow money; providing for use of District funds; authorizing the board to adopt policies, regulations, and a fire prevention code; providing for liberal construction; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Mayfield—

HB 1447—A bill to be entitled An act relating to St. Lucie County; providing legislative intent; providing a popular name; providing for consolidation of certain local hospital authority; providing powers and duties of hospital governing boards; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Mayfield—

HB 1449—A bill to be entitled An act relating to Indian River and Brevard Counties; codifying, amending, and reenacting special acts relating to the Sebastian Inlet Tax District, an independent special district; providing for a governing body; providing powers and duties; providing for construction and maintenance of an inlet between the Indian River and the Atlantic Ocean; authorizing the levy of taxes; providing severability; repealing chapters 7976 (1919), 8901 (1921), 12259 (1927), 18138 (1937), 18139 (1937), 22891 (1945), 63-910, 76-329, 78-470, 82-307, and 88-535, Laws of Florida; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Pickens—

HB 1457—A bill to be entitled An act relating to Halifax Hospital Medical Center, Volusia County; codifying, reenacting, and amending the charter of the Halifax Hospital Medical Center special tax district; providing for boundaries of the district; establishing a Board of Commissioners; providing for membership and appointment; providing powers and duties of the board; providing for meetings of the board; authorizing the district to establish, construct, operate, and maintain hospitals, medical facilities, and services; providing that the district shall have the power of eminent domain; authorizing the district to perform certain functions in order to carry out the purposes of the act; providing for the issuance of bonds and procedures relating thereto; authorizing the district to levy and collect certain taxes; authorizing officers of the district to sign checks and warrants; providing procedure for levy and collection of taxes; providing for the payment of expenses; requiring the establishment of revenue accounts; requiring the district to provide care and services for the medically indigent; providing for liberal construction; exempting property of the district from taxation; requiring an annual financial audit of the books and records of the district; providing for employee benefits; providing for competitive bidding; providing an alternative to bidding procedure; providing an exception; authorizing the

board to designate a direct-support organization; providing for severability; repealing chapters 79-577, 79-578, 84-539, 89-409, and 91-352, Laws of Florida; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Baker and others—

HB 1501—A bill to be entitled An act relating to license plates; amending ss. 320.08056 and 320.08058, F.S.; creating a Hospice license plate; providing for the distribution of annual use fees received from the sale of such plates; providing an effective date.

—was referred to the Committee on Transportation.

By Representative Gottlieb—

HB 1547—A bill to be entitled An act relating to Broward County; providing for deannexation of certain lands from the City of Cooper City; providing for annexation of certain lands into the Town of Southwest Ranches; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Llorente and others—

HB 1553—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; providing that the Department of Health may determine legal sufficiency and discipline after determination that a complaint indicates that a practitioner may present a serious threat to the health and safety of a non-prisoner; providing 15 days' notice to the Department of Health whenever the Department of Corrections disciplines a health care practitioner; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Health, Aging, and Long-Term Care.

By Representative Gottlieb—

HB 1563—A bill to be entitled An act relating to Broward County; amending chapter 2001-289, Laws of Florida; authorizing local governments in the county to grant an exemption from impact fees for transportation facilities for certain developments; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Mayfield—

HB 1601—A bill to be entitled An act relating to the Indian River County Hospital District, Indian River County; codifying special laws relating to the district; providing legislative intent; amending, codifying, reenacting, and repealing chapters 61-2275, 63-1432, 65-1708, 67-1515, 67-1516, 71-688, 72-568, 74-499, 76-387, 84-451, 99-485, and 2002-345, Laws of Florida; providing district boundaries; providing definitions; providing for a board of trustees as the governing body of the district; prescribing the powers and duties of the board; providing for compensation and meetings of the board; providing for the incorporation of the sunshine law, the public records act, the election code, and the bidding requirements of chapters 255 and 287, Florida Statutes; authorizing the board to levy ad valorem tax within the district; providing for the purpose of the tax; providing for a method for such levy; exempting property

of the district for assessment; providing for benefits for staff; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Detert—

HB 1691—A bill to be entitled An act relating to the Sarasota County School Board; providing for the relief of Denise Yahraus individually and as the personal representative of the estate of Michael Yahraus, deceased, and his three minor children, Nadia Yahraus, Michael Yahraus, and Jonathan Yahraus; authorizing and directing the school board of Sarasota County, Florida, to compensate the estate for the death of Michael Yahraus, due to the negligence of the Sarasota County School Board; specifying the time and manner of payment; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Dean—

HB 1719—A bill to be entitled An act relating to consumer protection in the construction lien law; creating s. 713.015, F.S.; providing mandatory contract provisions for residential construction contracts; amending s. 713.06, F.S.; providing an additional warning statement on a notice to owner; providing a form for a contractor's final payment affidavit; amending s. 713.08, F.S.; providing a warning statement on a claim of lien; amending s. 713.135, F.S.; requiring the lien law summary to contain an explanation of owners' rights; requiring the issuing authority to mail the lien law summary to the owner; amending s. 713.31, F.S.; requiring a prosecuting entity to provide a copy of the charging document to the Department of Business and Professional Regulation; amending s. 713.345, F.S.; providing permissive inferences that a person knowingly and intentionally failed to properly apply construction payments; requiring a prosecuting entity to provide a copy of the charging document to the Department of Business and Professional Regulation; amending s. 713.3471, F.S.; requiring lenders to give certain notices regarding direct loan disbursements to borrowers; amending s. 713.35, F.S.; requiring a prosecuting entity to provide a copy of the charging document to the Department of Business and Professional Regulation; providing effective dates.

—was referred to the Committees on Regulated Industries; Judiciary; and Commerce, Economic Opportunities, and Consumer Services.

By the Committee on Appropriations; and Representative Waters—

HB 1855—A bill to be entitled An act relating to the Department of State; terminating the Coconut Grove Playhouse Trust Fund and the Public Access Data Systems Trust Fund within the department; providing for disposition of balances in and revenues of the terminated trust funds; amending s. 15.09, F.S.; deleting a provision that created and provided uses of the Public Access Data Systems Trust Fund, to conform; amending s. 215.22, F.S.; deleting a reference to the Coconut Grove Playhouse Trust Fund, to conform; amending s. 265.284, F.S.; revising sources of funding for the Florida Fine Arts Trust Fund; amending s. 265.2861, F.S.; deleting provisions transferring funds from the Cultural Institutions Trust Fund to certain grant programs and entities; eliminating a funding source of the trust fund; removing a restriction on grant recipients under the Cultural Institutions Program against receiving funds from certain other arts grants programs; repealing s. 265.2901, F.S., relating to the Coconut Grove Playhouse Trust Fund, to conform; amending s. 267.0617, F.S.; removing a provision specifying funding sources for the Historic Preservation Grant Program; amending s. 320.08058, F.S.; changing the distribution of proceeds of the Florida arts license plate annual use fees; amending s. 607.1901, F.S.; deleting the transfer of funds from the Corporations Trust Fund to certain funds; amending s. 607.19011, F.S.; revising uses of the Corporations Trust Fund; directing maintenance of priority rankings for certain grant pro-

grams for Fiscal Year 2004-2005 grant cycles; providing an effective date.

—was referred to the Committee on Appropriations.

By the Committee on Appropriations; and Representative Bilirakis—

HB 1843—A bill to be entitled An act relating to trust funds; creating the Alcohol, Drug Abuse, and Mental Health Trust Fund within the Department of Corrections; providing for source of moneys and purposes; providing for annual carryforward of unused funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was referred to the Committee on Appropriations.

By the Committee on Appropriations; and Representative Green—

HB 1845—A bill to be entitled An act relating to trust funds; amending s. 20.435, F.S.; creating the Alcohol, Drug Abuse, and Mental Health Trust Fund within the Department of Health; providing for source of moneys and purposes; providing for annual carryforward of unused funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was referred to the Committee on Appropriations.

By the Committee on Appropriations; and Representative Green—

HB 1847—A bill to be entitled An act relating to trust funds; amending s. 20.435, F.S.; creating the Welfare Transition Trust Fund within the Department of Health; providing for source of moneys and purposes; providing for annual carryforward of unused funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was referred to the Committee on Appropriations.

By the Committee on Appropriations; and Representative Waters—

HB 1851—A bill to be entitled An act relating to trust funds; creating the Welfare Transition Trust Fund within the Department of Military Affairs; providing for source of moneys and purposes; providing for annual carryforward of unused funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was referred to the Committee on Appropriations.

By Representative Bense—

HM 575—A memorial to the Congress of the United States, urging Congress to enact legislation to halt dredging on the Apalachicola River, to continue authority of the United States Army Corps of Engineers to perform maintenance of the river's navigation channel markings and lock system for recreational boating, and to provide for the restoration and maintenance of fish and wildlife resources and habitats of the Apalachicola River and Apalachicola Bay.

—was referred to the Committee on Rules and Calendar.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 25 was corrected and approved.

CO-SPONSORS

Senators Argenziano—CS for CS for SB 250; Atwater—CS for CS for SB 296; Bullard—CS for SB 684, CS for SB 1326, CS for SB 1588; Wilson—SB 146, SM 1170

VOTES RECORDED

Senator Constantine was recorded as voting “nay” on the motion to consider late-filed **Amendment 2D (520542)** to **CS for CS for SB 1252** which was considered April 25.

Senator Crist was recorded as voting “nay” on **Amendment 1 (404120)** to **CS for SB 2708** which was considered April 23.

RECESS

On motion by Senator Lee, the Senate recessed at 6:19 p.m. for the purpose of holding committee meetings and conducting other Senate

business to reconvene at 10:00 a.m., Tuesday, April 29 or upon call of the President.

SENATE PAGES

April 28-May 2, 2003

Elizabeth W. Crew, Monticello; Stephen Royce Dudley, Pensacola; Emily Anne Gerard, Babson Park; Kelly David Hancock, Ft. Lauderdale; Jessica Jones, Windermere; Julianne McCullough, Balm; Roy “Ric” Miller IV, Tallahassee; Magena Pichardo, Miramar; Ryan Powers, Tallahassee; Juan Santiago, Orlando; Robert Smith III, Plantation; Ashley-Ann Sprentall, Palm Harbor; Sean Matthew Swartz, Ft. Lauderdale; Josh Szeliga, Tallahassee; Jeffrey Tillman, Auburndale; Michael B. Twomey Jr., Tallahassee; Elizabeth Anne Webster, Orlando