



Journal of the Senate

Number 17—Regular Session

CORRECTED

Wednesday, April 20, 2005

CONTENTS

Bills on Third Reading	483
Call to Order	479
Co-Introducers	535
Committee Substitutes, First Reading	526
Conference Committee Appointments	534
Enrolling Reports	534
House Messages, Final Action	534
House Messages, First Reading	533
Motions	523
Motions Relating to Committee Meetings	523
Motions Relating to Committee Reference	523
Reports of Committees	523
Resolutions	479
Special Guests	483
Special Order Calendar	484

[See end of Journal for Bill Action Summary]

CALL TO ORDER

The Senate was called to order by President Lee at 1:30 p.m. A quorum present—39:

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

Excused: Senator Garcia

PRAYER

The following prayer was offered by Sue Semrau, Coach of the Florida State University Women’s Basketball Team, Tallahassee:

Heavenly Father, we just thank you for who you are. We thank you for this assembly. We thank you for humor and, God, we just thank you that you govern us all, and that you lead and guide us.

Lord, I just pray for an inner strength for each Senator in here, Father, that they would be really blessed, not only with wisdom and power, but a strength, both physically and mentally and emotionally. Lord, I just thank you for that.

I pray a special blessing on Senator Campbell, with that crazy gator over there that he has, and I just pray that you would really speak to his heart today. We ask all this in your name. Amen.

PLEDGE

Senate Pages Darya “Dasha” Vakulenko of Altamonte Springs; Holly Dunn of Ponce de Leon; Joshua S. Jahnke and Terrell K. Roman of Boys

Ranch, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Robert E. Pickard, sponsored by Senator Diaz de la Portilla, as doctor of the day. Dr. Pickard specializes in Otolaryngology.

ADOPTION OF RESOLUTIONS

At the request of Senator Saunders—

By Senator Saunders—

SR 254—A resolution recognizing and commending the Oak Gators Flag Football Team for winning the Let It Fly Flag Football 15 and Under National Championship.

WHEREAS, the 2004 Oak Gators Flag Football Team is made up of young men who are members of the Boys and Girls Club of Lee County, Florida, and

WHEREAS, the players are: Jamal Rogers, quarterback/defensive back; James Gant, center/defensive back; Jamal Temple, running back/rusher; Ervin Kent, wide receiver/defensive back; Darius Preston, wide receiver/rusher; and Quinton Pointer, wide receiver/defensive back; and the coaches are: Head Coach LeDondrick Rowe and Assistant Coach Torrance McCray, and

WHEREAS, in the 2004 flag football season the team achieved an overall win-loss record of 33-0 in the Let It Fly Flag Football competition, culminated by winning the Let It Fly Flag Football 15 and Under National Championship Tournament in Lakeland, Florida, and

WHEREAS, the team’s accomplishment in winning the 2004 Let It Fly Flag Football 15 and Under National Championship brings distinctive honor to the State of Florida and its citizens, especially those who reside in Lee County, Florida, and who are members and supporters of the Boys and Girls Club of Lee County, by exemplifying the competitive excellence a group of young men can attain through combining their talents and disciplining themselves to work together toward achieving success in playing the game of football, NOW, THEREFORE,

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

That the 2004 Oak Gators Flag Football Team is recognized and commended for its outstanding accomplishment in winning the 2004 Let it Fly Flag Football 15 and Under National Championship.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the 2004 Oak Gators Flag Football Team as a token of the sentiments of the Florida Senate.

—**SR 254** was introduced, read and adopted by publication.

At the request of Senator Saunders—

By Senator Saunders—

SR 260—A resolution recognizing and commending Janiqua Johnson for winning the 2004 Fitness Authority National Championship in the Girls 14-15 Division.

WHEREAS, Janiqua Johnson, a Cape Coral High School student athlete, won the 2004 Fitness Authority National Championship in the Girls 14-15 Division at Miami, Florida, and

WHEREAS, Janiqua Johnson has the distinction of also having achieved first place in the 2003 Fitness Authority National Championship in the Girls 14-15 Division, and

WHEREAS, Janiqua diligently worked out at least 4 days each week at the Shady Oaks Community Center in Fort Myers under the direction of Coach LeDondrick Rowe and, after winning the 2004 Fitness Authority State and Regional Championships in the Girls 14-15 Division, was one of 94 athletes to compete in the 2004 Fitness Authority National Championships, and

WHEREAS, for her record-setting performances, Janiqua will receive a \$1,000 scholarship and an all-expense-paid trip to Washington D.C. to meet the President of the United States at the White House, and

WHEREAS, Janiqua's outstanding achievement demonstrates the value of promoting physical education among school-age children in this state and brings honor to the residents of Fort Myers, Lee County, and the State of Florida, NOW, THEREFORE,

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

That Janiqua Johnson is recognized and commended for her record-breaking performances in winning the 2004 Fitness Authority State, Regional, and National Championships in the Girls 14-15 Division.

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

—**SR 260** was introduced, read and adopted by publication.

At the request of Senator Saunders—

By Senator Saunders—

SR 262—A resolution recognizing and commending Josh Raven for winning the 2004 Fitness Authority National Championship in the Boys 16-18 Division.

WHEREAS, Josh Raven, a Senior at Mariner High School, won the 2004 Fitness Authority National Championship in the Boys 16-18 Division at Miami, Florida, and

WHEREAS, Josh diligently worked out at least 4 days each week at the Shady Oaks Community Center in Fort Myers under the direction of Coach LeDondrick Rowe and, after winning the 2004 Fitness Authority State and Regional Championships in the Boys 16-18 Division, was one of 94 athletes to compete in the 2004 Fitness Authority National Championships, and

WHEREAS, for his outstanding performances, Josh will receive a \$1,000 scholarship and an all-expense-paid trip to Washington D.C. to meet the President of the United States at the White House, and

WHEREAS, Josh's outstanding achievement demonstrates the value of promoting physical education among school-age children in this state and brings honor to the residents of Fort Myers, Lee County, and the State of Florida, NOW, THEREFORE,

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

That Josh Raven is recognized and commended for his outstanding performances in winning the 2004 Fitness Authority State, Regional, and National Championships in the Boys 16-18 Division.

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

—**SR 262** was introduced, read and adopted by publication.

At the request of Senator Saunders—

By Senator Saunders—

SR 264—A resolution recognizing and commending Darrius Preston for winning the 2004 Fitness Authority National Championship in the Boys 12-13 Division.

WHEREAS, Darrius Preston won the 2004 Fitness Authority National Championship in the Boys 12-13 Division at Miami, Florida, and

WHEREAS, Darrius diligently worked out at least 4 days each week at the Shady Oaks Community Center in Fort Myers under the direction of Coach LeDondrick Rowe and, after winning the 2004 Fitness Authority State and Regional Championships in the Boys 12-13 Division, was one of 94 athletes to compete in the 2004 Fitness Authority National Championships, and

WHEREAS, for his outstanding performances, Darrius will receive a \$1,000 scholarship and an all-expense-paid trip to Washington D.C. to meet the President of the United States at the White House, and

WHEREAS, Darrius' outstanding achievement demonstrates the value of promoting physical education among school-age children in this state and brings honor to the residents of Fort Myers, Lee County, and the State of Florida, NOW, THEREFORE,

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

That Darrius Preston is recognized and commended for his outstanding performances in winning the 2004 Fitness Authority State, Regional, and National Championships in the Boys 12-13 Division.

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

—**SR 264** was introduced, read and adopted by publication.

At the request of Senator Wilson—

By Senator Wilson—

SR 296—A resolution recognizing April 20, 2005, as "STOP Day" in the State of Florida.

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

WHEREAS, "STOP Day" is intended to raise awareness of the growing epidemic of violence in America's schools and to motivate those who foment violence to opt for peaceful resolution of their grievances and a path of self-improvement and healing, and

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

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

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

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

That the Florida Senate is aware of the importance of stopping violence in schools and recognizes April 20, 2005, as "STOP Day" in the State of Florida.

—**SR 296** was introduced, read and adopted by publication.

At the request of Senator Miller—

By Senator Miller—

SR 1078—A resolution recognizing the PONY Baseball All-Stars and the Palma Ceia/Bayshore Junior League All-Stars on their championship victories in world competition in August 2004.

WHEREAS, on August 10, 2004, the PONY Baseball All-Stars defeated Puerto Rico with a score of 11-2 to win the Colt World Series in Lafayette, Indiana, and

WHEREAS, this victory was the All-Stars' second straight Colt World Series championship and was marked by a 10-game winning streak in the Series, and

WHEREAS, 11 days later, on August 21, the Palma Ceia/Bayshore Junior League team won the Junior League World Series championship, defeating Venezuela by a score of 5-2 in Taylor, Michigan, and

WHEREAS, the Palma Ceia/Bayshore team broke the Series record for home runs and they were the third Florida team in history to win the Junior League World Series, and

WHEREAS, the talent and determination of these two teams are a credit to their coaches and bring great honor to the Tampa Bay area and the State of Florida, NOW, THEREFORE,

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

That the PONY Baseball All-Stars and the Palma Ceia/Bayshore Junior League All-Stars are congratulated and commended on their hard work and great success in world competition, creating inspiring examples for the youth of our state and bringing credit to the Tampa Bay area and the State of Florida.

BE IT FURTHER RESOLVED that copies of this resolution, with the Seal of the Senate affixed, be presented to the PONY Baseball All-Stars and the Palma Ceia/Bayshore Junior League All-Stars as a tangible token of the sentiments of the Florida Senate.

—**SR 1078** was introduced, read and adopted by publication.

At the request of Senator Miller—

By Senator Miller—

SR 1080—A resolution recognizing the accomplishments of Middleton High School Football Coach Harry Hubbard.

WHEREAS, Harry Hubbard has coached the Middleton High School Football Team for 3 years and in that time has developed the team to become a winning force in Florida high school football, and

WHEREAS, before coming to Middleton, Coach Hubbard was Assistant Head Coach for 4 years at Plant City High School, and for 11 years at Jefferson High School, with earlier coaching-related experience in Texas, and

WHEREAS, Coach Hubbard's skills, dedication, and indomitable energy have earned him this year's Hillsborough County Coach of the Year award, and

WHEREAS, this award, the "Billy Turner Coach of the Year Award," is named for one of the most respected football coaches in Hillsborough County history and is based on a vote by peers, the media, and board members of the National Football Foundation, and

WHEREAS, Coach Hubbard was honored at this year's National Football Foundation and Hall of Fame luncheon after bringing his team to regional victory in only its second varsity season despite his own battle with prostate cancer, NOW, THEREFORE,

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

That the Senate applauds the talent, dedication, and professionalism of Coach Harry Hubbard and congratulates him on his recognition by his peers, the sports media, and the Football Hall of Fame.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Coach Harry Hubbard as a token of the sentiments of the Florida Senate.

—**SR 1080** was introduced, read and adopted by publication.

At the request of Senator Wilson—

By Senators Wilson, Hill, Lawson, Miller, Siplin, Dawson, Diaz de la Portilla, Villalobos, Bullard, Garcia and Rich—

SR 1156—A resolution recognizing the week of April 17-23, 2005, as "Minority Cancer Awareness Week" in the State of Florida.

WHEREAS, there has been recent progress in the fight against cancer, yet many Floridians still suffer unequal rates of cancer incidence and mortality, and medically underserved populations have inadequate access to quality cancer prevention, screening, treatment, and rehabilitation services, and

WHEREAS, certain populations of Floridians, such as African-Americans, Hispanics, Latinos, and the medically uninsured, experience higher rates of cancer incidence and death, and

WHEREAS, even when poverty levels are accounted for, African-Americans, American Indians, Asian Americans, and Pacific Islanders have lower 5-year-cancer-survival rates than whites who are not of Hispanic descent, and

WHEREAS, among all racial and ethnic groups, African-Americans are the largest minority group in the state and suffer the highest death rate from all cancers and the highest death rate from lung, bronchial, colorectal, female breast, prostate, and uterine cancers, and

WHEREAS, Hispanics and Latinos are the fastest-growing segment of the nation's population, and are expected to become the largest minority population in Florida, and

WHEREAS, almost 35 percent of the Hispanic and Latino population has no health care coverage and almost 31 percent have no access to regular medical care, making Hispanics and Latinos the most medically underserved population among all racial and ethnic groups, and

WHEREAS, 18.7 percent of adult Floridians have no health care coverage and frequently lack access to quality health care, including potentially lifesaving services to screen for, detect, and treat cancer, and

WHEREAS, minority cancer awareness initiatives, such as those promoted by the American Cancer Society and Florida's recognition of the nationally observed Minority Cancer Awareness Week, will encourage efforts to reduce ethnic, racial, and socioeconomic cancer disparities, NOW, THEREFORE,

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

That the Florida Senate recognizes the week of April 17-23, 2005, the third week of the month, as "Minority Cancer Awareness Week" in the State of Florida and urges all Floridians to work with cancer education providers, such as the American Cancer Society, to increase awareness of the disparities that minority populations face in the fight against cancer.

—**SR 1156** was introduced, read and adopted by publication.

At the request of Senator Miller—

By Senator Miller—

SR 1562—A resolution recognizing Phyllis Marshall for 34 years of dedicated support to students of the University of South Florida.

WHEREAS, Phyllis Marshall, born in Milton, West Virginia in 1926, was hired by the fledgling University of South Florida in 1960, "sight unseen," from a small girls school in Virginia and spent the next 34 years of her life working with USF students, and

WHEREAS, in 1960, when the first co-eds moved into the fourth floor of the University Center, USF's original makeshift dorms, Phyllis Marshall was there to welcome them and to ease their transition into university life, and

WHEREAS, through her work at the University Center and with student government, Phyllis Marshall devoted decades to fostering a well-rounded university experience for young men and women at USF, organizing intramural sports, social clubs, hospitality committees, bridge clubs, bowling leagues, campus tours, and dances, and producing the first USF yearbook, and

WHEREAS, upon her retirement and throughout her long and courageous battle with cancer, Phyllis Marshall remained a reliable resource at the university as a volunteer, supporting, guiding, and inspiring today's Generation X Bulls with the same enthusiasm she gave to the Baby Boomers, and

WHEREAS, the students returned her affection by successfully petitioning the Florida Legislature to rename the University Center as the "Phyllis Marshall Center," and

WHEREAS, Phyllis Marshall, who passed away in Tampa on February 5, 2005, will be missed by the many thousands of students whose lives she improved over the decades, whom she called "my clients, my loves," NOW, THEREFORE,

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

That the Senate pauses in its deliberations to pay its respects to the memory of a great lady who set an example of service and support that made success in university studies and in life possible for thousands of young people in Florida.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the Phyllis Marshall Center at the University of South Florida as a tangible token of the sentiments of the Florida Senate.

—**SR 1562** was introduced, read and adopted by publication.

At the request of Senator Lynn—

By Senator Lynn—

SR 2694—A resolution recognizing April 20, 2005, as "Florida Institute of Certified Public Accountants Day" in Florida.

WHEREAS, on April 20, 1905, the Florida Society of Accountants, now the Florida Institute of Certified Public Accountants (FICPA), was formed in order to uphold the highest educational and ethical standards of the accounting profession while ensuring its continued growth and success, and

WHEREAS, from 1905, when legislative efforts of the society resulted in Governor Napoleon Bonaparte Broward's signing of Florida's first accountancy law, through 2004, when the FICPA supported legislation relating to licensure and a mandatory ethics course, the organization has worked to promote the highest standards of professionalism and to protect the needs of the general public, and

WHEREAS, in 1979, the FICPA successfully supported legislation that, in 1983, enabled Florida to become the first major state to implement the 150-hour education requirement for CPA candidates to further ensure that the public receives the services of educated, tested, and licensed professionals, and

WHEREAS, in 1992, the FICPA sought support from the Florida Legislature to create the Division of Certified Public Accounting, and

WHEREAS, the FICPA has gone to great lengths to assist in the establishment and, since 1992, the funding of an unlicensed activity public awareness campaign that has resulted in the equivalent of \$11 million in airtime, through \$1.65 million of CPA license fees, developed to protect the public from illegal activities, and

WHEREAS, the FICPA established an educational foundation in 1959 which has distributed more than \$1.7 million in scholarships to accounting students and universities and has created a High School Coordinators program that has placed 660 volunteer certified public accountants in over 585 high schools in Florida to encourage students to consider a career in accounting, and

WHEREAS, in 1998, in order to assist minority students in completing their fifth year of college accounting education, the FICPA sought legislation that created the Minority Scholarship Program, funded solely by CPA license fees, that has awarded \$408,000 to 79 students; and in that same year, in an effort to encourage rising minority students to explore career opportunities in business, finance, or accounting, the FICPA created a Minority Summer Residency Program to enable high school seniors to spend a week on a college campus, and

WHEREAS, in 1998, the FICPA worked cooperatively in a public-private partnership with the Florida Department of Revenue to create the Certified Audit Program, which, since 1999, has recovered over \$6.9 million in underpaid taxes to the state, NOW, THEREFORE,

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

That the Senate, in honor of the 100-year anniversary of the FICPA, recognizes April 20, 2005, as "Florida Institute of Certified Public Accountants Day" in Florida.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to Lloyd "Buddy" Turman, Chief Executive Officer and Executive Director of the FICPA, as a tangible token of the sentiments of the Florida Senate.

—**SR 2694** was introduced, read and adopted by publication.

At the request of Senator Haridopolos—

By Senator Haridopolos—

SR 2742—A resolution commemorating the Pontian Greek Genocide of 1914 to 1922.

WHEREAS, from 1914 to 1922, the Ottoman Turks directed the genocide of 353,000 Greeks living in Pontus and forced an equal number to flee their homeland, and

WHEREAS, today we solemnly recognize and remember the victims of this devastating event in the hope that their memories can serve as the conscience of the world, and

WHEREAS, it is fitting to emphasize the importance for all civilized nations to remain vigilant against tyranny to ensure that such atrocities will never again be committed, and

WHEREAS, it is also fitting to pay tribute to the survivors and offer thanks to them and their descendants for the many enriching contributions they have made to our culture and our way of life in this state and this nation, NOW, THEREFORE,

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

That the Pontian Greek Genocide of 1914 to 1922 is commemorated and the Pontian Greek people are commended for their significant contributions to civilization.

—**SR 2742** was introduced, read and adopted by publication.

At the request of Senator Jones—

By Senator Jones—

SR 2752—A resolution recognizing the 50th Anniversary of the Incorporation of the Town of Redington Shores.

WHEREAS, the residents of the unincorporated area now known as the Town of Redington Shores united together to create a new municipality, and

WHEREAS, on August 30, 1955, the electors and freeholders of this community gathered together for an election by referendum vote, and

WHEREAS, the outcome of the referendum vote incorporated the Town of Redington Shores, and

WHEREAS, on August 30, 2005, the Town of Redington Shores is proud to celebrate its 50th Anniversary, and

WHEREAS, the Redington Shores Board of Commissioners invites the residents, tourists, and electors of the Town of Redington Shores to gather to express their gratitude and thanks to our forefathers for their foresight in establishing the Town of Redington Shores, NOW, THEREFORE,

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

That August 30, 2005, is recognized as the 50th Anniversary of the Incorporation of the Town of Redington Shores.

—**SR 2752** was introduced, read and adopted by publication.

At the request of Senator Miller—

By Senator Miller—

SR 2766—A resolution recognizing April 20, 2005, as “University of South Florida Day.”

WHEREAS, the University of South Florida is a multicampus system of higher education with campuses in Tampa, St. Petersburg, Sarasota, and Lakeland, serving over 42,500 students in 230 undergraduate and graduate degree programs, and

WHEREAS, the University of South Florida boasts approximately 190,000 alumni, with 90,000 Proud Bulls calling the Tampa Bay area “home,” and

WHEREAS, USF plays a role in improving nearly every aspect of Florida’s communities, from its College of Education, which trains more teachers than any other university, to its medical doctors, which serve more than 1,000 patients per day in 345 locations, and

WHEREAS, USF ranks fifth in the nation among the fastest-growing universities in terms of funding from the National Institutes of Health and conducts over \$290 million annually in national-caliber research that tackles Florida’s toughest issues, including research in robotics and biodefense, health care, aging, education, the environment, and many other areas, and

WHEREAS, USF is an engine for economic development in Tampa Bay and throughout the State of Florida, especially in bioscience and high-technology, with the USF Center for Entrepreneurship ranked number one in the nation last year for life-sciences entrepreneurship, and

WHEREAS, USF’s Research Park and business partnership programs develop new technologies, spawn new business, provide direct assistance to existing companies, and educate a highly skilled workforce, and

WHEREAS, USF, the only Division I-A University serving more than 3.5 million people in the region, will join the Big East this Fall, bringing intercollegiate sports to a new level of excitement in Bulls Country, and

WHEREAS, USF is poised to move into the top 50 of public research universities within the next 5 years under the leadership of President Judy Genshaft, NOW, THEREFORE,

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

That the Florida Senate proudly recognizes Wednesday, April 20, 2005, as “University of South Florida Day” at the Capitol.

—**SR 2766** was introduced, read and adopted by publication.

At the request of Senator Atwater—

By Senator Atwater—

SR 2768—A resolution recognizing April 10, 2005, as “Professional Golfers’ Association of America Day” in Florida.

WHEREAS, the Professional Golfers’ Association of America (PGA) was founded in New York City on April 10, 1916, with 35 charter members and, today, is the world’s largest working sports organization, comprising more than 28,000 male and female professionals who are dedicated to the growth of the game of golf, and

WHEREAS, the headquarters of PGA of America, commonly known as PGA National, has been located in Palm Beach County since March 17, 1965, and recently celebrated 40 years in Palm Beach County, and

WHEREAS, the PGA hosts one of the preeminent events of all sports, the Ryder Cup Matches, a tournament that, since its inception in 1927, has been held every 2 years almost without exception, and

WHEREAS, attracting large numbers of out-of-state visitors as well as countless residents, the more than 1,300 golf courses in Florida are major contributors to the economy and well-being of the state, generating substantial revenues, providing employment for thousands, raising property values, and protecting and enhancing the environment, and

WHEREAS, the golf industry in Florida makes enormous contributions to a wide range of community and charitable organizations, conducts junior golf camps for tens of thousands of youngsters, holds the Special Olympics National Golf Tournament and the National Minority College Golf Championship, and conducts community outreach programs that afford anyone who desires the opportunity to enjoy the game of golf, NOW, THEREFORE,

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

That April 10, 2005, is recognized as “Professional Golfers’ Association of America Day” in Florida, the PGA of America is commended for its promotion of the game of golf and the resultant positive impact on the state, and residents and visitors alike are urged to take an afternoon and enjoy a round of golf.

—**SR 2768** was introduced, read and adopted by publication.

INTRODUCTION OF FORMER SENATOR

Senator Margolis introduced former Senator Patsy Kurth who was present in the chamber.

BILLS ON THIRD READING

On motion by Senator Villalobos, by two-thirds vote **HB 105** was withdrawn from the Committees on Banking and Insurance; and Government Efficiency Appropriations.

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

HB 105—A bill to be entitled An act relating to life insurance and annuity contracts; amending s. 624.402, F.S.; providing that a certificate of authority is not required of insurers domiciled outside the United States for certain life insurance policies or annuity contracts covering only persons who are not residents of the United States and are not nonresidents illegally residing in the United States; providing criteria, requirements, and limitations; requiring the insurer to disclose certain information; providing for the Office of Insurance Regulation to determine when the insurer is no longer eligible for the exemption; providing an exemption from certain taxes; requiring life insurance applications and policies and annuity contracts to provide certain disclosure statements; specifying application of certain provisions to single-premium life insurance policies and single-premium annuity contracts issued to certain nonresidents; providing an effective date.

—a companion measure, was substituted for **CS for SB 1508** and by two-thirds vote read the second time by title. On motion by Senator Villalobos, by two-thirds vote **HB 105** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Carlton	Haridopolos
Alexander	Clary	Hill
Argenziano	Constantine	Jones
Aronberg	Crist	King
Atwater	Dawson	Klein
Baker	Diaz de la Portilla	Lawson
Bennett	Dockery	Lynn
Bullard	Fasano	Margolis
Campbell	Geller	Miller

Peaden	Saunders	Villalobos
Posey	Sebesta	Webster
Pruitt	Siplin	Wilson
Rich	Smith	Wise

Nays—None

Consideration of **HB 77** was deferred.

SPECIAL ORDER CALENDAR

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

HB 149—A bill to be entitled An act relating to extracurricular student activities; amending s. 1006.15, F.S.; providing that eligibility requirements for participation shall apply to all extracurricular activities rather than to interscholastic activities only; providing that a student shall not be precluded from participation in certain activities; providing certain restrictions with respect to participation; authorizing establishment of a waiver process; prohibiting certain waivers; amending ss. 1002.33 and 1002.41, F.S.; conforming provisions; requiring the Department of Education to annually report data relating to student participation in extracurricular activities; providing an effective date.

—which was previously considered April 14. Pending **Amendment 2 (762378)** by Senator Baker was withdrawn.

Senator Baker moved the following amendment:

Amendment 3 (364772)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 1006.15, Florida Statutes, is amended to read:

1006.15 Student standards for participation in interscholastic extracurricular student activities; regulation.—

(1) This section may be cited as the “Craig Dickinson Act.”

(2) *Interscholastic* Extracurricular student activities are an important complement to the academic curriculum. Participation in a comprehensive extracurricular and academic program contributes to student development of the social and intellectual skills necessary to become a well-rounded adult. As used in this section, the term “extracurricular” means any school-authorized or education-related activity, including, but not limited to, interscholastic activities, occurring during or outside the regular instructional school day. For purposes of this section, a student may not be precluded from receiving tutoring, performing community service, or attending school athletic, social, and academic functions. However, a student who is not eligible, pursuant to this section, to participate in extracurricular activities may not perform at school functions or travel with a school team, band, club, or other organization to any event where the group is to compete or perform. This section does not prohibit a student who is enrolled in a class designated by the student course code directory provided by the Department of Education from performing or traveling to compete or perform as part of the class curriculum.

(3)(a) To be eligible to participate in interscholastic extracurricular student activities in athletics, a student must:

1. Maintain a grade point average of 2.0 or above on a 4.0 scale, or its equivalent, in the previous semester or a cumulative grade point average of 2.0 or above on a 4.0 scale, or its equivalent, in the courses required by s. 1003.43(1).

2. Execute and fulfill the requirements of an academic performance contract between the student, the district school board, the appropriate governing association, and the student’s parents, if the student’s cumulative grade point average falls below 2.0, or its equivalent, on a 4.0 scale in the courses required by s. 1003.43(1) or, for students who entered the 9th grade prior to the 1997-1998 school year, if the student’s cumulative grade point average falls below 2.0 on a 4.0 scale, or its equivalent, in the courses required by s. 1003.43(1) that are taken after July 1, 1997. At a minimum, the contract must require that the student attend summer school, or its graded equivalent, between grades 9 and 10 or grades 10 and 11, as necessary.

3. Have a cumulative grade point average of 2.0 or above on a 4.0 scale, or its equivalent, in the courses required by s. 1003.43(1) during his or her junior or senior year.

4. Maintain satisfactory conduct and, if a student is convicted of, or is found to have committed, a felony or a delinquent act which would have been a felony if committed by an adult, regardless of whether adjudication is withheld, the student’s participation in interscholastic extracurricular activities is contingent upon established and published district school board policy.

(b) Any student who is exempt from attending a full school day based on rules adopted by the district school board for double session schools or programs, experimental schools, or schools operating under emergency conditions must maintain the grade point average required by this section and pass each class for which he or she is enrolled. *The establishment and approval of the waiver process pursuant to paragraph (e) shall apply to the requirements of this paragraph.*

(c) An individual home education student is eligible to participate at the public school to which the student would be assigned according to district school board attendance area policies or which the student could choose to attend pursuant to district or interdistrict controlled open enrollment provisions, or may develop an agreement to participate at a private school, in the interscholastic extracurricular activities of that school, provided the following conditions are met:

1. The home education student must meet the requirements of the home education program pursuant to s. 1002.41.

2. During the period of participation at a school, the home education student must demonstrate educational progress as required in paragraph (b) in all subjects taken in the home education program by a method of evaluation agreed upon by the parent and the school principal which may include: review of the student’s work by a certified teacher chosen by the parent; grades earned through correspondence; grades earned in courses taken at a community college, university, or trade school; standardized test scores above the 35th percentile; or any other method designated in s. 1002.41.

3. The home education student must meet the same residency requirements as other students in the school at which he or she participates.

4. The home education student must meet the same standards of acceptance, behavior, and performance as required of other students in extracurricular activities.

5. The student must register with the school his or her intent to participate in interscholastic extracurricular activities as a representative of the school before the beginning date of the season for the activity in which he or she wishes to participate. A home education student must be able to participate in curricular activities if that is a requirement for an extracurricular activity.

6. A student who transfers from a home education program to a public school before or during the first grading period of the school year is academically eligible to participate in interscholastic extracurricular activities during the first grading period provided the student has a successful evaluation from the previous school year, pursuant to subparagraph 2.

7. Any public school or private school student who has been unable to maintain academic eligibility for participation in interscholastic extracurricular activities is ineligible to participate in such activities as a home education student until the student has successfully completed one grading period in home education pursuant to subparagraph 2. to become eligible to participate as a home education student.

(d) An individual charter school student pursuant to s. 1002.33 is eligible to participate at the public school to which the student would be assigned according to district school board attendance area policies or which the student could choose to attend, pursuant to district or interdistrict controlled open-enrollment provisions, in any interscholastic extracurricular activity of that school, unless such activity is provided by the student’s charter school, if the following conditions are met:

1. The charter school student must meet the requirements of the charter school education program as determined by the charter school governing board.

2. During the period of participation at a school, the charter school student must demonstrate educational progress as required in paragraph (b).

3. The charter school student must meet the same residency requirements as other students in the school at which he or she participates.

4. The charter school student must meet the same standards of acceptance, behavior, and performance that are required of other students in extracurricular activities.

5. The charter school student must register with the school his or her intent to participate in interscholastic extracurricular activities as a representative of the school before the beginning date of the season for the activity in which he or she wishes to participate. A charter school student must be able to participate in curricular activities if that is a requirement for an extracurricular activity.

6. A student who transfers from a charter school program to a traditional public school before or during the first grading period of the school year is academically eligible to participate in interscholastic extracurricular activities during the first grading period if the student has a successful evaluation from the previous school year, pursuant to subparagraph 2.

7. Any public school or private school student who has been unable to maintain academic eligibility for participation in interscholastic extracurricular activities is ineligible to participate in such activities as a charter school student until the student has successfully completed one grading period in a charter school pursuant to subparagraph 2. to become eligible to participate as a charter school student.

(e) *In addition to any other requirements as provided by law with the exception of paragraph (a), to be eligible to participate in extracurricular student activities other than athletics, a student must comply with the following policies:*

1. *Maintain a grade point average of 2.0 or above on a 4.0 scale, or its equivalent, in the previous semester or a cumulative grade point average of 2.0 or above on a 4.0 scale, or its equivalent in the courses required by s. 1003.43(1) if required by a district school board. District school boards are encouraged to require students who wish to participate in extracurricular activities other than athletics to maintain a grade point average of 2.0 or above on a 4.0 scale, or its equivalent, in the previous semester or a cumulative grade point average of 2.0 or above on a 4.0 scale, or its equivalent, in the courses required by s. 1003.43(1).*

2. *Maintain satisfactory conduct and, if a student is convicted of, or is found to have committed, a felony or a delinquent act that would have been a felony if committed by an adult, regardless of whether adjudication is withheld, the student's participation is contingent upon established and published district school board policy.*

If a district school board elects not to require a student to maintain a grade point average of 2.0 or above on a 4.0 scale, or its equivalent, the board must do so at a district school board public meeting held under s. 1001.372. The board shall offer its reasons for the board's decision not to require the minimum grade point average at the same public meeting. In addition, the board shall report specific steps it is taking to improve the grade point averages of the students participating in extracurricular activities who would not meet the minimum grade point average if the policy were in force. At each board meeting held under s. 1001.372 immediately following each grading period, the board shall report the number of students participating in extracurricular activities other than athletics; the number of those students who would be below the minimum grade point average standard if the policy were in force; the number of those students below the minimum grade point average standard whose grade point average has improved, declined, or remained the same, along with the amount of change in grade point average per student; and the number of students who would meet the minimum grade point average standard if the policy were in force. The board shall report this data in a manner consistent with s. 1002.22. If a board reports more than half of the students participating in extracurricular activities other than athletics who are below the minimum grade point average standard did not improve their grade point averages, the board must immediately adopt at its next public meeting held under s. 1001.372, a minimum grade point average requirement of 2.0 on a 4.0 scale, or its equivalent, for all students participating in extracurricular activities. A board that opts to require the minimum grade point average of 2.0 on a 4.0 scale, or its equivalent, for

students participating in extracurricular activities other than athletics is exempt from this meeting and reporting requirement. District school boards are encouraged to establish a process to waive the requirements of this paragraph based on extenuating circumstances of an individual student.

(4) The student standards for participation in interscholastic extracurricular activities must be applied beginning with the student's first semester of the 9th grade. Each student must meet such other requirements for participation as may be established by the district school board; however, a district school board may not establish requirements for participation in interscholastic extracurricular activities which make participation in such activities less accessible to home education students than to other students. Except as set forth in paragraph (3)(c), evaluation processes or requirements that are placed on home education student participants may not go beyond those that apply under s. 1002.41 to home education students generally.

(5) Any organization or entity that regulates or governs interscholastic extracurricular activities of public schools:

(a) Shall permit home education associations to join as member schools.

(b) Shall not discriminate against any eligible student based on an educational choice of public, private, or home education.

(6) Public schools are prohibited from membership in any organization or entity which regulates or governs interscholastic extracurricular activities and discriminates against eligible students in public, private, or home education.

(7) Any insurance provided by district school boards for participants in extracurricular activities shall cover the participating home education student. If there is an additional premium for such coverage, the participating home education student shall pay the premium.

Section 2. Subsection (11) of section 1002.33, Florida Statutes, is amended to read:

1002.33 Charter schools.—

(11) PARTICIPATION IN INTERSCHOLASTIC EXTRACURRICULAR ACTIVITIES.—A charter school student is eligible to participate in an interscholastic extracurricular activity at the public school to which the student would be otherwise assigned to attend pursuant to s. 1006.15(3)(d).

Section 3. Subsection (4) of section 1002.41, Florida Statutes, is amended to read:

1002.41 Home education programs.—

(4) Home education students may participate in interscholastic extracurricular student activities in accordance with the provisions of s. 1006.15.

Section 4. *The Department of Education shall gather data regarding the number of students who have been precluded from participating in extracurricular activities due to the provisions of section 1006.15, Florida Statutes, as amended by this act, and the effect of those provisions on graduation rates and dropout rates. This data shall be reported annually to the Governor, the President of the Senate, and the Speaker of the House of Representatives.*

Section 5. *By June 30, each district school board shall annually report to the Department of Education the number of waivers granted under section 1006.15, Florida Statutes, for the previous school year.*

Section 6. This act shall take effect January 1, 2006.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to extracurricular student activities; amending s. 1006.15, F.S.; providing that eligibility requirements for participation shall apply to all extracurricular activities rather than to interscholastic activities only; providing that a student shall not be precluded from participation in certain activities; providing certain restrictions with respect to participation; requiring specific reporting requirements for

certain district school boards; authorizing district school boards to establish a waiver process; amending ss. 1002.33 and 1002.41, F.S.; conforming provisions; requiring the Department of Education to annually report data relating to student participation in extracurricular activities; requiring district school boards to report waivers granted under s. 1006.15, F.S.; providing an effective date.

MOTION

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

Senator Dawson moved the following amendment to **Amendment 3** which failed:

Amendment 3A (694292)—On page 6, line 20 through page 7, line 9, delete those lines and insert:

(e) In addition to any other requirements as provided by law with the exception of paragraph (a), to be eligible to participate in extracurricular student activities other than athletics, a student must maintain a grade point average of 2.0 or above on a 4.0 scale, or its equivalent, in the previous semester or a cumulative grade point average of 2.0 or above on a 4.0 scale, or its equivalent in the courses required by s. 1003.43(1) if required by a district school board. District school boards are encouraged to require students who wish to participate in extracurricular activities other than athletics to maintain a grade point average of 2.0 or above on a 4.0 scale, or its equivalent, in the previous semester or a cumulative grade point average of 2.0 or above on a 4.0 scale, or its equivalent, in the courses required by s. 1003.43(1).

The question recurred on **Amendment 3** which was adopted.

Pursuant to Rule 4.19, **HB 149** as amended was placed on the calendar of Bills on Third Reading.

SENATOR FASANO PRESIDING

On motion by Senator Constantine—

CS for SB 1320—A bill to be entitled An act relating to the Lifeline and Link-up Assistance Program; amending s. 364.10, F.S.; transferring applicability from telecommunications companies serving as carriers of last resort to eligible telecommunications carriers; defining the term “eligible telecommunications carrier”; providing requirements for eligible telecommunications carriers; requiring the Public Service Commission to establish procedures for notification and termination of the Lifeline Assistance credit; providing criteria for connection, reconnection, and discontinuation of basic local telecommunications service for Lifeline Assistance subscribers; providing criteria for blocking access to long-distance service; adding the Department of Education and the Office of Public Counsel to those agencies that are directed to cooperate in developing procedures for promoting Lifeline participation; requiring the commission to adopt rules; requiring the commission to report to the Legislature; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1320** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 316** was deferred.

On motion by Senator Clary, by two-thirds vote **HB 841** was withdrawn from the Committees on Regulated Industries; Government Efficiency Appropriations; and Ways and Means.

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

HB 841—A bill to be entitled An act relating to the state lottery; amending s. 24.115, F.S.; providing for the deposit of a percentage of unclaimed prize money in the Educational Enhancement Trust Fund; authorizing use of such funds subject to appropriations; amending s. 24.121, F.S.; revising provisions relating to the allocation of revenues for

public education; amending s. 1010.70, F.S.; conforming provisions; providing an effective date.

—a companion measure, was substituted for **CS for SB 482** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 841** was placed on the calendar of Bills on Third Reading.

On motion by Senator Lynn—

CS for SB 1600—A bill to be entitled An act relating to child care; transferring, renumbering, and amending s. 402.3017, F.S.; revising requirements for the Teacher Education and Compensation Helps scholarship program; amending s. 402.302, F.S.; redefining the term “screening”; authorizing the screening of child care volunteers; amending s. 402.3055, F.S.; requiring an applicant, owner, or operator of a child care facility to sign an affidavit attesting to the accuracy of certain information; authorizing the Department of Children and Family Services to apply certain requirements for personnel in child care facilities to personnel in family day care homes and large family child care homes; amending s. 402.308, F.S.; requiring family day care homes that are required to be licensed and large family child care homes to have a license that is renewed annually; authorizing the Department of Children and Family Services to apply the specified procedures for administering a license to family day care homes and large family child care homes; amending s. 402.309, F.S.; authorizing the local licensing agency or the Department of Children and Family Services to issue a provisional license or registration to a child care facility, family day care home, or large family child care home; providing that a provisional license or registration may not be issued unless child care personnel are screened according to law; requiring the department to adopt rules for issuing, suspending, and revoking provisional licenses and registrations; amending s. 402.310, F.S.; providing that an increased administrative fine may be imposed in addition to or in lieu of other disciplinary actions; authorizing the department or local licensing agencies to convert a license or registration to probation status for a violation of certain laws and rules; authorizing the department or local licensing agencies to apply disciplinary actions to registered family day care homes; directing the department to adopt rules establishing grounds for imposing disciplinary actions for violations of certain laws and rules; directing the department to adopt rules to create a uniform system of procedures to use for disciplinary actions; creating s. 402.3105, F.S.; requiring the department to establish a database of information concerning violations, citations, and penalties imposed against child care facilities, family day care homes, and large family child care homes licensed by or registered with the department and local licensing agencies; requiring the department to consult with the State Technology Office; specifying database capabilities and the uses of information contained therein; providing that implementation is not contingent upon an appropriation; amending s. 402.313, F.S.; removing conflicting provisions regarding an administrative fine; requiring the adoption of a rule establishing minimum standards for safety; repealing s. 402.3131(1)(a), F.S., relating to the authority of the department or local licensing agency to impose an administrative fine against a large family child care home; providing an effective date.

—was read the second time by title.

Senator Lynn moved the following amendment which was adopted:

Amendment 1 (175382)(with title amendment)—On page 16, between lines 27 and 28, insert:

Section 9. *The Office of Program Policy Analysis and Government Accountability shall conduct a study of the administrative and operational structure of the Child Care Services Program Office of the Department of Children and Family Services, including a review of all resources supporting the program. The Office of Program Policy Analysis and Government Accountability shall report its findings and make a recommendation regarding the appropriate state agency to administer child care regulation functions, to the President of the Senate, the Speaker of the House of Representatives, and the Governor by December 1, 2005.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 5, after the semicolon (;) insert: a large family child care home; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study of the Child Care Services Program Office of the Department of Children and Family Services and provide a report to the Legislature;

Pursuant to Rule 4.19, **CS for SB 1600** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Aronberg—

SB 1512—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 intent to sell, manufacture, or deliver, within 1,000 feet of certain libraries; amending s. 921.0022, F.S.; ranking such offenses on the offense severity ranking chart of the Criminal Punishment Code; reenacting ss. 397.451(4)(b), 435.07(2), 772.12(2)(a), 893.1351, 903.133, 921.187(1)(a), 938.25, and 948.034(1), F.S., relating to background checks of substance abuse service provider personnel, exemptions from disqualification for employment, the Drug Dealer Liability Act, lease or rent for the purpose of trafficking in a controlled substance, prohibition on bail on appeal for certain felony convictions, disposition and sentencing, the Operating Trust Fund of the Department of Law Enforcement, and terms and conditions of probation, respectively, to incorporate the amendment to s. 893.13, F.S., in references thereto; providing applicability; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1512** was placed on the calendar of Bills on Third Reading.

CS for CS for SB 1216—A bill to be entitled An act relating to high-risk offenders; providing a short title; amending s. 775.21, F.S.; extending the period for a petition to remove a sexual predator designation; requiring the Department of Law Enforcement to develop procedures for twice yearly reporting by sexual predators; providing that it is a criminal offense to fail to report or to provide false information about a sexual predator or to harbor or hide a sexual predator; amending s. 775.082, F.S.; providing for specified sentencing of persons convicted of the life felony offense in s. 800.04(5)(b), F.S.; amending s. 800.04, F.S.; providing that it is a life felony for an offender 18 years of age or older to commit lewd or lascivious molestation against a victim younger than 12 years of age; amending s. 921.0022, F.S.; deleting ranking for offenses involving sexual predators and sexual offenders failing to comply with registration requirements; ranking offenses involving sexual predators and sexual offenders failing to comply with registration requirements and other requirements; ranking new criminal offenses for failing to report or providing false information about a sexual predator and harboring or hiding a sexual predator; correcting a reference to the felony degree of a lewd or lascivious offense; amending s. 921.141, F.S.; providing an additional aggravating circumstance pertaining to sexual predators for the purpose of imposing the death penalty; amending s. 943.043, F.S.; requiring the Department of Law Enforcement to provide to local law enforcement agencies information on sexual predators and sexual offenders who fail to respond to address verification attempts or abscond from registration; amending s. 943.0435, F.S.; providing that it is a criminal offense to fail to report or to provide false information about a sexual offender or to harbor or hide a sexual offender; requiring the department to develop procedures for twice yearly reporting of sexual offenders; creating s. 943.04352, F.S.; requiring a search of the sexual offender and sexual predator registry by entities providing probation services; amending s. 944.607, F.S.; providing that it is a criminal offense to fail to report or to provide false information about a sexual offender or to harbor or hide a sexual offender; requiring the Department of Law Enforcement to develop procedures for twice yearly reporting of sexual offenders; amending s. 947.1405, F.S.; requiring electronic monitoring for certain offenders placed on conditional release supervision; amending s. 948.012, F.S.; requiring the court to impose a split sentence in certain circumstances; creating s. 948.061, F.S.; requiring the Department of Corrections to develop a risk assessment system to monitor certain offenders placed on probation or community control; requiring increased supervision of such offenders under certain circumstances; requiring that information be provided to the court by the correctional

probation officer; requiring the court to assist the department by creating and maintaining an automated system; requiring the department to have fingerprint reading equipment and capability by October 1, 2006; creating s. 948.062, F.S.; requiring the Department of Corrections to review the circumstances of certain arrests of offenders on probation or community control; requiring the Office of Program Policy Analysis and Government Accountability to analyze the reviews and report to the President of the Senate and the Speaker of the House of Representatives; creating s. 948.063, F.S.; requiring the court to order electronic monitoring for designated sexual offenders and predators who violate probation or community control; amending s. 948.11, F.S.; requiring the department to develop and implement procedures to notify certain officials on the availability of electronic monitoring units; requiring the department to use certain electronic monitoring systems on high-risk offenders; amending s. 948.15, F.S.; specifying that the terms of the contract must contain procedures for accessing criminal history records concerning probationers; amending s. 948.30, F.S.; requiring certain sex offenders and sexual predators on probation or community control to be placed on electronic monitoring; creating a task force within the Department of Law Enforcement; requiring the task force to examine the collection and dissemination of offender information within the criminal justice system and community; prescribing task force membership; requiring that the task force submit findings and recommendations to the Governor and the Legislature; requiring cooperation by state agencies; providing for abolishing the task force on a specified date; requiring the Office of Program Policy Analysis and Governmental Accountability to perform a study of and report to the Legislature on the effectiveness of Florida's sexual predator and sexual offender registries and community and public notification provisions; providing appropriations and authorizing positions; providing an effective date.

—was read the second time by title.

Senator Argenziano moved the following amendment which was adopted:

Amendment 1 (361600)(with title amendment)—On page 4, between lines 27 and 28, insert:

Section 2. Paragraph (a) of subsection (5) of section 216.136, Florida Statutes, is amended to read:

216.136 Consensus estimating conferences; duties and principals.—

(5) CRIMINAL JUSTICE ESTIMATING CONFERENCE.—

(a) Duties.—The Criminal Justice Estimating Conference shall:

1. Develop such official information relating to the criminal justice system, including forecasts of prison admissions and population and of supervised felony offender admissions and population, as the conference determines is needed for the state planning and budgeting system.

2. Develop such official information relating to the number of eligible discharges and the projected number of civil commitments for determining space needs pursuant to the civil proceedings provided under part V of chapter 394.

3. *Develop official information relating to the number of sexual offenders and sexual predators who are required by law to be placed on community control, probation, or conditional release who are subject to electronic monitoring. In addition, the Office of Economic and Demographic Research shall study the factors relating to the sentencing of sex offenders from the point of arrest through the imposition of sanctions by the sentencing court, including original charges, plea negotiations, trial dispositions, and sanctions. The Department of Corrections, the Office of the State Courts Administrator, the Florida Department of Law Enforcement, and the State Attorneys shall provide information deemed necessary for the study. The final report shall be provided to the President of the Senate and Speaker of the House by March 1, 2006.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 3, after the semicolon (;) insert: amending s. 216.136, F.S.; assigning additional responsibilities of the Criminal Justice Estimating Conference; requiring a study;

Senator Argenziano moved the following amendment:

Amendment 2 (541738)(with title amendment)—On page 4, line 28 through page 32, line 13, delete those lines and insert:

Section 2. Paragraph (l) of subsection (6), subsection (8), and subsection (10) of section 775.21, Florida Statutes, are amended to read:

775.21 The Florida Sexual Predators Act.—

(6) REGISTRATION.—

(l) A sexual predator must maintain registration with the department for the duration of his or her life, unless the sexual predator has received a full pardon or has had a conviction set aside in a postconviction proceeding for any offense that met the criteria for the sexual predator designation. However, a sexual predator who was designated as a sexual predator by a court before October 1, 1998, and who has been lawfully released from confinement, supervision, or sanction, whichever is later, for at least 10 years and has not been arrested for any felony or misdemeanor offense since release may petition the criminal division of the circuit court in the circuit in which the sexual predator resides for the purpose of removing the sexual predator designation. A sexual predator who was designated a sexual predator by a court on or after October 1, 1998, who has been lawfully released from confinement, supervision, or sanction, whichever is later, for at least 20 years, and who has not been arrested for any felony or misdemeanor offense since release may petition the criminal division of the circuit court in the circuit in which the sexual predator resides for the purpose of removing the sexual predator designation. A sexual predator who was designated as a sexual predator by a court on or after October 1, 2005, who has been lawfully released from confinement, supervision, or sanction, whichever is later, for at least 30 years, and who has not been arrested for any felony or misdemeanor offense since release may petition the criminal division of the circuit court in the circuit in which the sexual predator resides for the purpose of removing the sexual predator designation. The court may grant or deny such relief if the petitioner demonstrates to the court that he or she has not been arrested for any crime since release, the requested relief complies with the provisions of the federal Jacob Wetterling Act, as amended, and any other federal standards applicable to the removal of the designation as a sexual predator or required to be met as a condition for the receipt of federal funds by the state, and the court is otherwise satisfied that the petitioner is not a current or potential threat to public safety. The state attorney in the circuit in which the petition is filed must be given notice of the petition at least 3 weeks before the hearing on the matter. The state attorney may present evidence in opposition to the requested relief or may otherwise demonstrate the reasons why the petition should be denied. If the court denies the petition, the court may set a future date at which the sexual predator may again petition the court for relief, subject to the standards for relief provided in this paragraph. Unless specified in the order, a sexual predator who is granted relief under this paragraph must comply with the requirements for registration as a sexual offender and other requirements provided under s. 943.0435 or s. 944.607. If a petitioner obtains an order from the court that imposed the order designating the petitioner as a sexual predator which removes such designation, the petitioner shall forward a certified copy of the written findings or order to the department in order to have the sexual predator designation removed from the sexual predator registry.

The sheriff shall promptly provide to the department the information received from the sexual predator.

(8) VERIFICATION.—The department and the Department of Corrections shall implement a system for verifying the addresses of sexual predators. The system must be consistent with the provisions of the federal Jacob Wetterling Act, as amended, and any other federal standards applicable to such verification or required to be met as a condition for the receipt of federal funds by the state. The Department of Corrections shall verify the addresses of sexual predators who are not incarcerated but who reside in the community under the supervision of the Department of Corrections. County and local law enforcement agencies, in conjunction with the department, shall verify the addresses of sexual predators who are not under the care, custody, control, or supervision of the Department of Corrections.

(a) A sexual predator must report in person each year during the month of the sexual predator's birthday and during the sixth month following the sexual predator's birth month to the sheriff's office in the

county in which he or she resides or is otherwise located to reregister. The sheriff's office may determine the appropriate times and days for reporting by the sexual predator, which shall be consistent with the reporting requirements of this paragraph. Reregistration shall include any changes to the following information:

1. Name; social security number; age; race; sex; date of birth; height; weight; hair and eye color; address of any permanent residence and address of any current temporary residence, within the state or out of state, including a rural route address and a post office box; date and place of any employment; vehicle make, model, color, and license tag number; fingerprints; and photograph. A post office box shall not be provided in lieu of a physical residential address.

2. If the sexual predator is enrolled, employed, or carrying on a vocation at an institution of higher education in this state, the sexual predator shall also provide to the department the name, address, and county of each institution, including each campus attended, and the sexual predator's enrollment or employment status.

3. If the sexual predator's place of residence is a motor vehicle, trailer, mobile home, or manufactured home, as defined in chapter 320, the sexual predator shall also provide vehicle identification number; the license tag number; the registration number; and a description, including color scheme, of the motor vehicle, trailer, mobile home, or manufactured home. If the sexual predator's place of residence is a vessel, live-aboard vessel, or houseboat, as defined in chapter 327, the sexual predator shall also provide the hull identification number; the manufacturer's serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number; and a description, including color scheme, of the vessel, live-aboard vessel, or houseboat.

(b) The sheriff's office shall, within 2 working days, electronically submit and update all information provided by the sexual predator to the department in a manner prescribed by the department. This procedure shall be implemented by December 1, 2005.

(10) PENALTIES.—

(a) Except as otherwise specifically provided, a sexual predator who fails to register; who fails, after registration, to maintain, acquire, or renew a driver's license or identification card; who fails to provide required location information or change-of-name information; who fails to make a required report in connection with vacating a permanent residence; who fails to reregister as required; who fails to respond to any address verification correspondence from the department within three weeks of the date of the correspondence; or who otherwise fails, by act or omission, to comply with the requirements of this section, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) A sexual predator who has been convicted of or found to have committed, or has pled nolo contendere or guilty to, regardless of adjudication, any violation, or attempted violation, of s. 787.01, s. 787.02, or s. 787.025, where the victim is a minor and the defendant is not the victim's parent; s. 794.011(2), (3), (4), (5), or (8); s. 794.05; s. 796.03; s. 800.04; s. 827.071; s. 847.0133; or s. 847.0145, or a violation of a similar law of another jurisdiction, when the victim of the offense was a minor, and who works, whether for compensation or as a volunteer, at any business, school, day care center, park, playground, or other place where children regularly congregate, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) Any person who misuses public records information relating to a sexual predator, as defined in this section, or a sexual offender, as defined in s. 943.0435 or s. 944.607, to secure a payment from such a predator or offender; who knowingly distributes or publishes false information relating to such a predator or offender which the person misrepresents as being public records information; or who materially alters public records information with the intent to misrepresent the information, including documents, summaries of public records information provided by law enforcement agencies, or public records information displayed by law enforcement agencies on websites or provided through other means of communication, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(d) A sexual predator who commits any act or omission in violation of this section may be prosecuted for the act or omission in the county in which the act or omission was committed, the county of the last

registered address of the sexual predator, or the county in which the conviction occurred for the offense or offenses that meet the criteria for designating a person as a sexual predator. In addition, a sexual predator may be prosecuted for any such act or omission in the county in which he or she was designated a sexual predator.

(e) An arrest on charges of failure to register, the service of an information or a complaint for a violation of this section, or an arraignment on charges for a violation of this section constitutes actual notice of the duty to register when the predator has been provided and advised of his or her statutory obligation to register under subsection (6). A sexual predator's failure to immediately register as required by this section following such arrest, service, or arraignment constitutes grounds for a subsequent charge of failure to register. A sexual predator charged with the crime of failure to register who asserts, or intends to assert, a lack of notice of the duty to register as a defense to a charge of failure to register shall immediately register as required by this section. A sexual predator who is charged with a subsequent failure to register may not assert the defense of a lack of notice of the duty to register.

(f) Registration following such arrest, service, or arraignment is not a defense and does not relieve the sexual predator of criminal liability for the failure to register.

(g) Any person who knows that a sexual predator is not complying, or has not complied, with the requirements of this section and who, with the intent to assist the sexual predator in eluding a law enforcement agency that is seeking to find the sexual predator to question the sexual predator about, or to arrest the sexual predator for, his or her noncompliance with the requirements of this section:

1. Withholds information from, or does not notify, the law enforcement agency about the sexual predator's noncompliance with the requirements of this section, and, if known, the whereabouts of the sexual predator;
 2. Harbors, or attempts to harbor, or assists another person in harboring or attempting to harbor, the sexual predator;
 3. Hides or attempts to hide, or assists another person in hiding or attempting to hide, the sexual predator; or
 4. Provides information to the law enforcement agency regarding the sexual predator which the person knows to be false information,
- commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. This paragraph does not apply if the sexual predator is incarcerated in or is in the custody of a state correctional facility, a private correctional facility, a local jail, or a federal correctional facility.

Section 3. Paragraph (a) of subsection (3) of section 775.082, Florida Statutes, is amended to read:

775.082 Penalties; applicability of sentencing structures; mandatory minimum sentences for certain reoffenders previously released from prison.—

(3) A person who has been convicted of any other designated felony may be punished as follows:

- (a)1. For a life felony committed prior to October 1, 1983, by a term of imprisonment for life or for a term of years not less than 30.
2. For a life felony committed on or after October 1, 1983, by a term of imprisonment for life or by a term of imprisonment not exceeding 40 years.
3. Except as provided in subparagraph 4., for a life felony committed on or after July 1, 1995, by a term of imprisonment for life or by imprisonment for a term of years not exceeding life imprisonment.
4. For a life felony committed on or after October 1, 2005, which is a violation of s. 800.04(5)(b), by:
 - a. A term of imprisonment for life, which shall be incarceration of the person for the remainder of the person's natural life; or
 - b. A split sentence that is a term of years not exceeding life, followed by probation or community control for the remainder of the person's natural life, as provided in s. 948.012(4).

Section 4. Paragraph (b) of subsection (5) of section 800.04, Florida Statutes, is amended to read:

800.04 Lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age.—

(5) LEWD OR LASCIVIOUS MOLESTATION.—

(b) An offender 18 years of age or older who commits lewd or lascivious molestation against a victim less than 12 years of age commits a life felony of the first degree, punishable as provided in s. 775.082(3)(a)4. ~~s. 775.082, s. 775.083, or s. 775.084.~~

Section 5. Paragraphs (f), (g), and (i) of subsection (3) of section 921.0022, Florida Statutes, are amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(f) LEVEL 6
316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
499.0051(3)	2nd	Forgery of pedigree papers.
499.0051(4)	2nd	Purchase or receipt of legend drug from unauthorized person.
499.0051(5)	2nd	Sale of legend drug to unauthorized person.
775.0875(1)	3rd	Taking firearm from law enforcement officer.
775.21(10)	3rd	Sexual predators; failure to register; failure to renew driver's license or identification card.
784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.
784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.
784.041	3rd	Felony battery.
784.048(3)	3rd	Aggravated stalking; credible threat.
784.048(5)	3rd	Aggravated stalking of person under 16.
784.07(2)(c)	2nd	Aggravated assault on law enforcement officer.
784.074(1)(b)	2nd	Aggravated assault on sexually violent predators facility staff.
784.08(2)(b)	2nd	Aggravated assault on a person 65 years of age or older.
784.081(2)	2nd	Aggravated assault on specified official or employee.
784.082(2)	2nd	Aggravated assault by detained person on visitor or other detainee.
784.083(2)	2nd	Aggravated assault on code inspector.
787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
790.115(2)(d)	2nd	Discharging firearm or weapon on school property.
790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
790.164(1)	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.	944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
794.05(1)	2nd	Unlawful sexual activity with specified minor.	951.22(1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.
800.04(5)(d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender less than 18 years.	316.027(1)(b)	2nd	(g) LEVEL 7 Accident involving death, failure to stop; leaving scene.
800.04(6)(b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.	316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.	316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
812.014(2)(b)1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.	402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfigurement, permanent disability, or death.
812.015(9)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.	409.920(2)	3rd	Medicaid provider fraud.
812.13(2)(c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).	456.065(2)	3rd	Practicing a health care profession without a license.
817.034(4)(a)1.	1st	Communications fraud, value greater than \$50,000.	456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
817.4821(5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.	458.327(1)	3rd	Practicing medicine without a license.
825.102(1)	3rd	Abuse of an elderly person or disabled adult.	459.013(1)	3rd	Practicing osteopathic medicine without a license.
825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.	460.411(1)	3rd	Practicing chiropractic medicine without a license.
825.1025(3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.	461.012(1)	3rd	Practicing podiatric medicine without a license.
825.103(2)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$20,000.	462.17	3rd	Practicing naturopathy without a license.
827.03(1)	3rd	Abuse of a child.	463.015(1)	3rd	Practicing optometry without a license.
827.03(3)(c)	3rd	Neglect of a child.	464.016(1)	3rd	Practicing nursing without a license.
827.071(2)&(3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.	465.015(2)	3rd	Practicing pharmacy without a license.
836.05	2nd	Threats; extortion.	466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
836.10	2nd	Written threats to kill or do bodily injury.	467.201	3rd	Practicing midwifery without a license.
843.12	3rd	Aids or assists person to escape.	468.366	3rd	Delivering respiratory care services without a license.
847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.	483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.	483.901(9)	3rd	Practicing medical physics without a license.
943.0435(9)	3rd	Sex offenders; failure to comply with reporting requirements.	484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
944.35(3)(a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.	484.053	3rd	Dispensing hearing aids without a license.
944.40	2nd	Escapes.			

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
494.0018(2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
			790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by money transmitter.	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
560.125(5)(a)	3rd	Money transmitter business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
775.21(10)(a)	3rd	<i>Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.</i>	796.03	2nd	Procuring any person under 16 years for prostitution.
775.21(10)(b)	3rd	<i>Sexual predator working where children regularly congregate.</i>	800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
775.21(10)(g)	3rd	<i>Failure to report or providing false information about a sexual predator; harbor or hide a sexual predator.</i>	800.04(5)(c)2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.
782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.	806.01(2)	2nd	Maliciously damage structure by fire or explosive.
782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).	810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
782.071	2nd	Killing of human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).	810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).	810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.	812.014(2)(a)1.	1st	Property stolen, valued at \$100,000 or more; property stolen while causing other property damage; 1st degree grand theft.
784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.	812.014(2)(b)2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.	812.014(2)(b)3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.	812.0145(2)(a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
784.048(7)	3rd	Aggravated stalking; violation of court order.	812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
784.07(2)(d)	1st	Aggravated battery on law enforcement officer.	812.131(2)(a)	2nd	Robbery by sudden snatching.
784.074(1)(a)	1st	Aggravated battery on sexually violent predators facility staff.	812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.	817.234(8)(a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
784.081(1)	1st	Aggravated battery on specified official or employee.	817.234(9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.	817.234(11)(c)	1st	Insurance fraud; property value \$100,000 or more.
784.083(1)	1st	Aggravated battery on code inspector.	817.2341(2)(b)&(3)(b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).			

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.	893.135 (1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
825.103(2)(b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.	893.135 (1)(k)2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
827.03(3)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.	896.101(5)(a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.	896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.	943.0435(4)(c)	2nd	<i>Sexual offender vacating permanent residence; failure to comply with reporting requirements.</i>
838.015	2nd	Bribery.	943.0435(8)	2nd	<i>Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.</i>
838.021(3)(a)	2nd	Unlawful harm to a public servant.	943.0435(9)(a)	3rd	<i>Sexual offender; failure to comply with reporting requirements.</i>
838.22	2nd	Bid tampering.	943.0435(13)	3rd	<i>Failure to report or providing false information about a sexual offender; harbor or hide a sexual offender.</i>
872.06	2nd	Abuse of a dead human body.	943.0435(14)	3rd	<i>Sexual offender; failure to report and reregister; failure to respond to address verification.</i>
893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.	944.607(9)	3rd	<i>Sexual offender; failure to comply with reporting requirements.</i>
893.13(1)(e)1.	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., within 1,000 feet of property used for religious services or a specified business site.	944.607(10)(a)	3rd	<i>Sexual offender; failure to submit to the taking of a digitized photograph.</i>
893.13(4)(a)	1st	Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).	944.607(12)	3rd	<i>Failure to report or providing false information about a sexual offender; harbor or hide a sexual offender.</i>
893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.	944.607(13)	3rd	<i>Sexual offender; failure to report and reregister; failure to respond to address verification.</i>
893.135 (1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.	316.193 (3)(c)3.b.	1st	DUI manslaughter; failing to render aid or give information.
893.135 (1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.	327.35(3)(c)3.b.	1st	BUI manslaughter; failing to render aid or give information.
893.135 (1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.	499.0053	1st	Sale or purchase of contraband legend drugs resulting in great bodily harm.
893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.	560.123(8)(b)3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.	560.125(5)(c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
893.135 (1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.	655.50(10)(b)3.	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
893.135 (1)(h)1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.	775.0844	1st	Aggravated white collar crime.
			782.04(1)	1st	Attempt, conspire, or solicit to commit premeditated murder.

(i) LEVEL 9

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
782.04(3)	1st, PBL	Accomplice to murder in connection with arson, sexual battery, robbery, burglary, and other specified felonies.	893.135	1st	Attempted capital trafficking offense.
782.051(1)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3).	893.135(1)(a)3.	1st	Trafficking in cannabis, more than 10,000 lbs.
782.07(2)	1st	Aggravated manslaughter of an elderly person or disabled adult.	893.135(1)(b)1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
787.01(1)(a)1.	1st, PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.	893.135(1)(c)1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
787.01(1)(a)2.	1st, PBL	Kidnapping with intent to commit or facilitate commission of any felony.	893.135(1)(d)1.c.	1st	Trafficking in phencyclidine, more than 400 grams.
787.01(1)(a)4.	1st, PBL	Kidnapping with intent to interfere with performance of any governmental or political function.	893.135(1)(e)1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.
787.02(3)(a)	1st	False imprisonment; child under age 13; perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.	893.135(1)(f)1.c.	1st	Trafficking in amphetamine, more than 200 grams.
790.161	1st	Attempted capital destructive device offense.	893.135(1)(h)1.c.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.
790.166(2)	1st, PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.	893.135(1)(j)1.c.	1st	Trafficking in 1,4-Butanediol, 10 kilograms or more.
794.011(2)	1st	Attempted sexual battery; victim less than 12 years of age.	893.135(1)(k)2.c.	1st	Trafficking in Phenethylamines, 400 grams or more.
794.011(2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.	896.101(5)(c)	1st	Money laundering, financial instruments totaling or exceeding \$100,000.
794.011(4)	1st	Sexual battery; victim 12 years or older, certain circumstances.	896.104(4)(a)3.	1st	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$100,000.
794.011(8)(b)	1st	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.			
800.04(5)(b)	Life 1st	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.			Section 6. Paragraph (o) is added to subsection (5) of section 921.141, Florida Statutes, to read:
812.13(2)(a)	1st, PBL	Robbery with firearm or other deadly weapon.			921.141 Sentence of death or life imprisonment for capital felonies; further proceedings to determine sentence.—
812.133(2)(a)	1st, PBL	Carjacking; firearm or other deadly weapon.			(5) AGGRAVATING CIRCUMSTANCES.—Aggravating circumstances shall be limited to the following:
812.135(2)(b)	1st	Home-invasion robbery with weapon.			(o) <i>The capital felony was committed by a person designated as a sexual predator pursuant to s. 775.21 or a person previously designated as a sexual predator who had the sexual-predator designation removed.</i>
817.568(7)	2nd, PBL	Fraudulent use of personal identification information of an individual under the age of 18 by his or her parent, legal guardian, or person exercising custodial authority.			Section 7. Subsection (5) is added to section 943.043, Florida Statutes, to read:
827.03(2)	1st	Aggravated child abuse.			943.043 Toll-free telephone number; Internet notification; sexual predator and sexual offender information.—
847.0145(1)	1st	Selling, or otherwise transferring custody or control, of a minor.			(5) <i>In an effort to ensure that sexual predators and sexual offenders who fail to respond to address-verification attempts or who otherwise abscond from registration are located in a timely manner, the department shall share information with local law enforcement agencies. The department shall use analytical resources to assist local law enforcement agencies to determine the potential whereabouts of any sexual predator or sexual offender who fails to respond to address-verification attempts or who otherwise absconds from registration. The department shall review and analyze all available information concerning any such predator or offender who fails to respond to address-verification attempts or who otherwise absconds from registration and provide the information to</i>
847.0145(2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.			
859.01	1st	Poisoning or introducing bacteria, radioactive materials, viruses, or chemical compounds into food, drink, medicine, or water with intent to kill or injure another person.			

local law enforcement agencies in order to assist the agencies in locating and apprehending the sexual predator or sexual offender.

Section 8. Subsections (13) and (14) are added to section 943.0435, Florida Statutes, to read:

943.0435 Sexual offenders required to register with the department; penalty.—

(13) Any person who knows that a sexual offender is not complying, or has not complied, with the requirements of this section and who, with the intent to assist the sexual offender in eluding a law enforcement agency that is seeking to find the sexual offender to question the sexual offender about, or to arrest the sexual offender for, his or her noncompliance with the requirements of this section:

1. Withholds information from, or does not notify, the law enforcement agency about the sexual offender's noncompliance with the requirements of this section, and, if known, the whereabouts of the sexual offender;
2. Harbors, or attempts to harbor, or assists another person in harboring or attempting to harbor, the sexual offender; or
3. Hides or attempts to hide, or assists another person in hiding or attempting to hide, the sexual offender; or
4. Provides information to the law enforcement agency regarding the sexual offender that the person knows to be false information,

commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(14)(a) A sexual offender must report in person each year during the month of the sexual offender's birthday and during the sixth month following the sexual offender's birth month to the sheriff's office in the county in which he or she resides or is otherwise located to reregister. The sheriff's office may determine the appropriate times and days for reporting by the sexual offender, which shall be consistent with the reporting requirements of this paragraph. Reregistration shall include any changes to the following information:

1. Name; social security number; age; race; sex; date of birth; height; weight; hair and eye color; address of any permanent residence and address of any current temporary residence, within the state or out of state, including a rural route address and a post office box; date and place of any employment; vehicle make, model, color, and license tag number; fingerprints; and photograph. A post office box shall not be provided in lieu of a physical residential address.
2. If the sexual offender is enrolled, employed, or carrying on a vocation at an institution of higher education in this state, the sexual offender shall also provide to the department the name, address, and county of each institution, including each campus attended, and the sexual offender's enrollment or employment status.
3. If the sexual offender's place of residence is a motor vehicle, trailer, mobile home, or manufactured home, as defined in chapter 320, the sexual offender shall also provide vehicle identification number; the license tag number; the registration number; and a description, including color scheme, of the motor vehicle, trailer, mobile home, or manufactured home. If the sexual offender's place of residence is a vessel, live-aboard vessel, or houseboat, as defined in chapter 327, the sexual offender shall also provide the hull identification number; the manufacturer's serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number; and a description, including color scheme, of the vessel, live-aboard vessel or houseboat.
4. Any sexual offender who fails to report in person as required at the sheriff's office, or who fails to respond to any address verification correspondence from the department within three weeks of the date of the correspondence, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) The sheriff's office shall, within 2 working days, electronically submit and update all information provided by the sexual offender to the department in a manner prescribed by the department. This procedure shall be implemented by December 1, 2005.

Section 9. Section 943.04352, Florida Statutes, is created to read:

943.04352 Search of registration information regarding sexual predators and sexual offenders required when placement on misdemeanor probation.—When the court places a defendant on misdemeanor probation pursuant to ss. 948.01 and 948.15, the public or private entity providing probation services must conduct a search of the probationer's name or other identifying information against the registration information regarding sexual predators and sexual offenders maintained by the Department of Law Enforcement under s. 943.043. The probation services provider may conduct the search using the Internet site maintained by the Department of Law Enforcement.

Section 10. Subsections (12) and (13) are added to section 944.607, Florida Statutes, to read:

944.607 Notification to Department of Law Enforcement of information on sexual offenders.—

(12) Any person who knows that a sexual offender is not complying, or has not complied, with the requirements of this section and who, with the intent to assist the sexual offender in eluding a law enforcement agency that is seeking to find the sexual offender to question the sexual offender about, or to arrest the sexual offender for, his or her noncompliance with the requirements of this section:

1. Withholds information from, or does not notify, the law enforcement agency about the sexual offender's non-compliance with the requirements of this section, and, if known, the whereabouts of the sexual offender;
2. Harbors, or attempts to harbor, or assists another person in harboring or attempting to harbor, the sexual offender; or
3. Hides or attempts to hide, or assists another person in hiding or attempting to hide, the sexual offender; or
4. Provides information to the law enforcement agency regarding the sexual offender which the person knows to be false information,

commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. This subsection does not apply if the sexual offender is incarcerated in or is in the custody of a state correctional facility, a private correctional facility, a local jail, or a federal correctional facility.

(13)(a) A sexual offender must report in person each year during the month of the sexual offender's birthday and during the sixth month following the sexual offender's birth month to the sheriff's office in the county in which he or she resides or is otherwise located to reregister. The sheriff's office may determine the appropriate times and days for reporting by the sexual offender, which shall be consistent with the reporting requirements of this paragraph. Reregistration shall include any changes to the following information:

1. Name; social security number; age; race; sex; date of birth; height; weight; hair and eye color; address of any permanent residence and address of any current temporary residence, within the state or out of state, including a rural route address and a post office box; date and place of any employment; vehicle make, model, color, and license tag number; fingerprints; and photograph. A post office box shall not be provided in lieu of a physical residential address.
2. If the sexual offender is enrolled, employed, or carrying on a vocation at an institution of higher education in this state, the sexual offender shall also provide to the department the name, address, and county of each institution, including each campus attended, and the sexual offender's enrollment or employment status.
3. If the sexual offender's place of residence is a motor vehicle, trailer, mobile home, or manufactured home, as defined in chapter 320, the sexual offender shall also provide vehicle identification number; the license tag number; the registration number; and a description, including color scheme, of the motor vehicle, trailer, mobile home, or manufactured home. If the sexual offender's place of residence is a vessel, live-aboard vessel, or houseboat, as defined in chapter 327, the sexual offender shall also provide the hull identification number; the manufacturer's serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number; and a description, including color scheme, of the vessel, live-aboard vessel, or houseboat.

(b) The sheriff's office shall, within 2 working days, electronically submit and update all information provided by the sexual offender to the department in a manner prescribed by the department. This procedure shall be implemented by December 1, 2005.

4. Any sexual offender who fails to report in person as required at the sheriff's office, or who fails to respond to any address verification correspondence from the department within three weeks of the date of the correspondence, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, and s. 775.084.

(b) The sheriff's office shall, within 2 working days, electronically submit and update all information provided by the sexual offender to the Florida Department of Law Enforcement in a manner prescribed by the Florida Department of Law Enforcement. This procedure shall be implemented by December 1, 2005.

And the title is amended as follows:

On page 1, line 6 through page 2, line 4, delete those lines and insert: twice yearly reregistration by sexual predators; requiring reregistration information be provided to the Department of Law Enforcement; providing criminal offenses for failing to reregister, failing to respond to address verification, failing to report or providing false information about a sexual predator, and harboring or hiding a sexual predator; amending s. 775.082, F.S.; providing for specified sentencing of persons convicted of the life felony offense in s. 800.04(5)(b), F.S.; amending s. 800.04, F.S.; providing that it is a life felony for an offender 18 years of age or older to commit lewd or lascivious molestation against a victim younger than 12 years of age; amending s. 921.0022, F.S.; deleting ranking for offenses involving sexual predators and sexual offenders failing to comply with registration requirements; ranking offenses involving sexual predators and sexual offenders failing to comply with registration requirements and other requirements; ranking new criminal offenses for failing to reregister, failing to respond to address verification, failing to report or providing false information about a sexual predator or sexual offender, and harboring or hiding a sexual predator or sexual offender; correcting a reference to the felony degree of a lewd or lascivious offense; amending s. 921.141, F.S.; providing an additional aggravating circumstance pertaining to sexual predators for the purpose of imposing the death penalty; amending s. 943.043, F.S., requiring the Department of Law Enforcement to provide to local law enforcement agencies information on sexual predators and sexual offenders who fail to respond to address verification attempts or abscond from registration; amending s. 943.0435, F.S.; requiring twice yearly reregistration by sexual offenders; requiring reregistration information be provided to the Department of Law Enforcement; providing criminal offenses for failing to reregister, failing to respond to address verification, failing to report or providing false information about a sexual offender, and harboring or hiding a sexual offender; creating s. 943.04352, F.S.; requiring a search of the sexual offender and sexual predator registry by entities providing probation services; amending s. 944.607, F.S.; requiring twice yearly reregistration by sexual offenders; requiring reregistration information be provided to the Department of Law Enforcement; providing criminal offenses for failing to reregister, failing to respond to address verification, failing to report or providing false information about a sexual offender, and harboring or hiding a sexual offender; amending

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

Amendment 2A (263148)(with title amendment)—On page 16, line 28 through page 35, line 11, delete those lines and insert:

775.21(10)(g) 3rd Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.

782.051(3) 2nd Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.

782.07(1) 2nd Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).

782.071 2nd Killing of human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).

782.072 2nd Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).

784.045(1)(a)1. 2nd Aggravated battery; intentionally causing great bodily harm or disfigurement.

784.045(1)(a)2. 2nd Aggravated battery; using deadly weapon.

784.045(1)(b) 2nd Aggravated battery; perpetrator aware victim pregnant.

784.048(4) 3rd Aggravated stalking; violation of injunction or court order.

784.048(7) 3rd Aggravated stalking; violation of court order.

784.07(2)(d) 1st Aggravated battery on law enforcement officer.

784.074(1)(a) 1st Aggravated battery on sexually violent predators facility staff.

784.08(2)(a) 1st Aggravated battery on a person 65 years of age or older.

784.081(1) 1st Aggravated battery on specified official or employee.

784.082(1) 1st Aggravated battery by detained person on visitor or other detainee.

784.083(1) 1st Aggravated battery on code inspector.

790.07(4) 1st Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).

790.16(1) 1st Discharge of a machine gun under specified circumstances.

790.165(2) 2nd Manufacture, sell, possess, or deliver hoax bomb.

790.165(3) 2nd Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.

790.166(3) 2nd Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.

790.166(4) 2nd Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.

796.03 2nd Procuring any person under 16 years for prostitution.

800.04(5)(c)1. 2nd Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.

800.04(5)(c)2. 2nd Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.

806.01(2) 2nd Maliciously damage structure by fire or explosive.

810.02(3)(a) 2nd Burglary of occupied dwelling; unarmed; no assault or battery.

810.02(3)(b) 2nd Burglary of unoccupied dwelling; unarmed; no assault or battery.

810.02(3)(d) 2nd Burglary of occupied conveyance; unarmed; no assault or battery.

812.014(2)(a)1. 1st Property stolen, valued at \$100,000 or more; property stolen while causing other property damage; 1st degree grand theft.

812.014(2)(b)2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.	893.13(4)(a)	1st	Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).
812.014(2)(b)3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.	893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
812.0145(2)(a)	1st	Theft from person 65 years of age or older; \$50,000 or more.	893.135 (1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.	893.135 (1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
812.131(2)(a)	2nd	Robbery by sudden snatching.	893.135 (1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.			
817.234(8)(a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.	893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
817.234(9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.	893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
817.234(11)(c)	1st	Insurance fraud; property value \$100,000 or more.	893.135 (1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
817.2341(2)(b)& (3)(b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.	893.135 (1)(h)1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.	893.135 (1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
825.103(2)(b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.	893.135 (1)(k)2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
827.03(3)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.	896.101(5)(a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.	896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.	943.0435(4)(c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
838.015	2nd	Bribery.			
838.016	2nd	Unlawful compensation or reward for official behavior.	943.0435(8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
838.021(3)(a)	2nd	Unlawful harm to a public servant.			
838.22	2nd	Bid tampering.			
872.06	2nd	Abuse of a dead human body.	943.0435(9)(a)	3rd	Sexual offender; failure to comply with reporting requirements.
893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.	943.0435(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
			943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
			944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.
893.13(1)(e)1.	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., within 1,000 feet of property used for religious services or a specified business site.	944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
			944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.	800.04(5)(b)	Life 1st	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
		(i) LEVEL 9	812.13(2)(a)	1st, PBL	Robbery with firearm or other deadly weapon.
316.193 (3)(c)3.b.	1st	DUI manslaughter; failing to render aid or give information.	812.133(2)(a)	1st, PBL	Carjacking; firearm or other deadly weapon.
327.35(3)(c)3.b.	1st	BUI manslaughter; failing to render aid or give information.	812.135(2)(b)	1st	Home-invasion robbery with weapon.
499.0053	1st	Sale or purchase of contraband legend drugs resulting in great bodily harm.	817.568(7)	2nd, PBL	Fraudulent use of personal identification information of an individual under the age of 18 by his or her parent, legal guardian, or person exercising custodial authority.
560.123(8)(b)3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.	827.03(2)	1st	Aggravated child abuse.
560.125(5)(c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.	847.0145(1)	1st	Selling, or otherwise transferring custody or control, of a minor.
655.50(10)(b)3.	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.	847.0145(2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
775.0844	1st	Aggravated white collar crime.	859.01	1st	Poisoning or introducing bacteria, radioactive materials, viruses, or chemical compounds into food, drink, medicine, or water with intent to kill or injure another person.
782.04(1)	1st	Attempt, conspire, or solicit to commit premeditated murder.	893.135	1st	Attempted capital trafficking offense.
782.04(3)	1st, PBL	Accomplice to murder in connection with arson, sexual battery, robbery, burglary, and other specified felonies.	893.135(1)(a)3.	1st	Trafficking in cannabis, more than 10,000 lbs.
782.051(1)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3).	893.135 (1)(b)1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
782.07(2)	1st	Aggravated manslaughter of an elderly person or disabled adult.	893.135 (1)(c)1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
787.01(1)(a)1.	1st, PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.	893.135 (1)(d)1.c.	1st	Trafficking in phencyclidine, more than 400 grams.
787.01(1)(a)2.	1st, PBL	Kidnapping with intent to commit or facilitate commission of any felony.	893.135 (1)(e)1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.
787.01(1)(a)4.	1st, PBL	Kidnapping with intent to interfere with performance of any governmental or political function.	893.135 (1)(f)1.c.	1st	Trafficking in amphetamine, more than 200 grams.
787.02(3)(a)	1st	False imprisonment; child under age 13; perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.	893.135 (1)(h)1.c.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.
790.161	1st	Attempted capital destructive device offense.	893.135 (1)(j)1.c.	1st	Trafficking in 1,4-Butanediol, 10 kilograms or more.
790.166(2)	1st, PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.	893.135 (1)(k)2.c.	1st	Trafficking in Phenethylamines, 400 grams or more.
794.011(2)	1st	Attempted sexual battery; victim less than 12 years of age.	896.101(5)(c)	1st	Money laundering, financial instruments totaling or exceeding \$100,000.
794.011(2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.	896.104(4)(a)3.	1st	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$100,000.
794.011(4)	1st	Sexual battery; victim 12 years or older, certain circumstances.			
794.011(8)(b)	1st	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.			

Section 2. Paragraph (o) is added to subsection (5) of section 921.141, Florida Statutes, to read:

921.141 Sentence of death or life imprisonment for capital felonies; further proceedings to determine sentence.—

(5) AGGRAVATING CIRCUMSTANCES.—Aggravating circumstances shall be limited to the following:

(o) *The capital felony was committed by a person designated as a sexual predator pursuant to s. 775.21 or a person previously designated as a sexual predator who had the sexual-predator designation removed.*

Section 3. Subsection (5) is added to section 943.043, Florida Statutes, to read:

943.043 Toll-free telephone number; Internet notification; sexual predator and sexual offender information.—

(5) *In an effort to ensure that sexual predators and sexual offenders who fail to respond to address-verification attempts or who otherwise abscond from registration are located in a timely manner, the department shall share information with local law enforcement agencies. The department shall use analytical resources to assist local law enforcement agencies to determine the potential whereabouts of any sexual predator or sexual offender who fails to respond to address-verification attempts or who otherwise absconds from registration. The department shall review and analyze all available information concerning any such predator or offender who fails to respond to address-verification attempts or who otherwise absconds from registration and provide the information to local law enforcement agencies in order to assist the agencies in locating and apprehending the sexual predator or sexual offender.*

Section 4. Subsections (13) and (14) are added to section 943.0435, Florida Statutes, to read:

943.0435 Sexual offenders required to register with the department; penalty.—

(13) *Any person who has reason to believe that a sexual offender is not complying, or has not complied, with the requirements of this section and who, with the intent to assist the sexual offender in eluding a law enforcement agency that is seeking to find the sexual offender to question the sexual offender about, or to arrest the sexual offender for, his or her noncompliance with the requirements of this section:*

1. *Withholds information from, or does not notify, the law enforcement agency about the sexual offender's noncompliance with the requirements of this section, and, if known, the whereabouts of the sexual offender;*

2. *Harbors, or attempts to harbor, or assists another person in harboring or attempting to harbor, the sexual offender; or*

3. *Conceals or attempts to conceal, or assists another person in concealing or attempting to conceal, the sexual offender; or*

4. *Provides information to the law enforcement agency regarding the sexual offender that the person knows to be false information,*

commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(14)(a) *A sexual offender must report in person each year during the month of the sexual offender's birthday and during the sixth month following the sexual offender's birth month to the sheriff's office in the county in which he or she resides or is otherwise located to reregister. The sheriff's office may determine the appropriate times and days for reporting by the sexual offender, which shall be consistent with the reporting requirements of this paragraph. Reregistration shall include any changes to the following information:*

1. *Name; social security number; age; race; sex; date of birth; height; weight; hair and eye color; address of any permanent residence and address of any current temporary residence, within the state or out of state, including a rural route address and a post office box; date and place of any employment; vehicle make, model, color, and license tag number; fingerprints; and photograph. A post office box shall not be provided in lieu of a physical residential address.*

2. *If the sexual offender is enrolled, employed, or carrying on a vocation at an institution of higher education in this state, the sexual offender shall provide to the department the name, address, and county of each institution, including each campus attended, and the sexual offender's enrollment or employment status.*

3. *If the sexual offender's place of residence is a motor vehicle, trailer, mobile home, or manufactured home, as defined in chapter 320, the sexual offender shall also provide vehicle identification number; the license tag number; the registration number; and a description, including color scheme, of the motor vehicle, trailer, mobile home, or manufactured home. If the sexual offender's place of residence is a vessel, live-aboard vessel, or houseboat, as defined in chapter 327, the sexual offender shall also provide the hull identification number; the manufacturer's serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number; and a description, including color scheme, of the vessel, live-aboard vessel or houseboat.*

4. *Any sexual offender who fails to report in person as required at the sheriff's office, or who fails to respond to any address verification correspondence from the department within three weeks of the date of the correspondence, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

(b) *The sheriff's office shall, within 2 working days, electronically submit and update all information provided by the sexual offender to the department in a manner prescribed by the department. This procedure shall be implemented by December 1, 2005.*

Section 5. Section 943.04352, Florida Statutes, is created to read:

943.04352 *Search of registration information regarding sexual predators and sexual offenders required when placement on misdemeanor probation.—When the court places a defendant on misdemeanor probation pursuant to ss. 948.01 and 948.15, the public or private entity providing probation services must conduct a search of the probationer's name or other identifying information against the registration information regarding sexual predators and sexual offenders maintained by the Department of Law Enforcement under s. 943.043. The probation services provider may conduct the search using the Internet site maintained by the Department of Law Enforcement.*

Section 6. Subsections (12) and (13) are added to section 944.607, Florida Statutes, to read:

944.607 Notification to Department of Law Enforcement of information on sexual offenders.—

(12) *Any person who has reason to believe that a sexual offender is not complying, or has not complied, with the requirements of this section and who, with the intent to assist the sexual offender in eluding a law enforcement agency that is seeking to find the sexual offender to question the sexual offender about, or to arrest the sexual offender for, his or her noncompliance with the requirements of this section:*

1. *Withholds information from, or does not notify, the law enforcement agency about the sexual offender's non-compliance with the requirements of this section, and, if known, the whereabouts of the sexual offender;*

2. *Harbors, or attempts to harbor, or assists another person in harboring or attempting to harbor, the sexual offender; or*

3. *Conceals or attempts to conceal, or assists another person in concealing or attempting to conceal, the sexual offender; or*

4. *Provides information to the law enforcement agency regarding the sexual offender which the person knows to be false information,*

commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. This subsection does not apply if the sexual offender is incarcerated in or is in the custody of a state correctional facility, a private correctional facility, a local jail, or a federal correctional facility.

(13)(a) *A sexual offender must report in person each year during the month of the sexual offender's birthday and during the sixth month following the sexual offender's birth month to the sheriff's office in the county in which he or she resides or is otherwise located to reregister. The*

sheriff's office may determine the appropriate times and days for reporting by the sexual offender, which shall be consistent with the reporting requirements of this paragraph. Reregistration shall include any changes to the following information:

1. Name; social security number; age; race; sex; date of birth; height; weight; hair and eye color; address of any permanent residence and address of any current temporary residence, within the state or out of state, including a rural route address and a post office box; date and place of any employment; vehicle make, model, color, and license tag number; fingerprints; and photograph. A post office box shall not be provided in lieu of a physical residential address.

2. If the sexual offender is enrolled, employed, or carrying on a vocation at an institution of higher education in this state, the sexual offender shall also provide to the department the name, address, and county of each institution, including each campus attended, and the sexual offender's enrollment or employment status.

3. If the sexual offender's place of residence is a motor vehicle, trailer, mobile home, or manufactured home, as defined in chapter 320, the sexual offender shall also provide vehicle identification number; the license tag number; the registration number; and a description, including color scheme, of the motor vehicle, trailer, mobile home, or manufactured home. If the sexual offender's place of residence is a vessel, live-aboard vessel, or houseboat, as defined in chapter 327, the sexual offender shall also provide the hull identification number; the manufacturer's serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number; and a description, including color scheme, of the vessel, live-aboard vessel, or houseboat.

4. Any sexual offender who fails to report in person as required at the sheriff's office, or who fails to respond to any address verification correspondence from the department within three weeks of the date of the correspondence, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, and s. 775.084.

(b) The sheriff's office shall, within 2 working days, electronically submit and update all information provided by the sexual offender to the Florida Department of Law Enforcement in a manner prescribed by the Florida Department of Law Enforcement. This procedure shall be implemented by December 1, 2005.

And the title is amended as follows:

On page 35, line 20 through page 37, line 17, delete those lines and insert: twice yearly reregistration by sexual predators; requiring reregistration information be provided to the Department of Law Enforcement; providing criminal offenses for failing to reregister, failing to respond to address verification, failing to report or providing false information about a sexual predator, and harboring or concealing a sexual predator; amending s. 775.082, F.S.; providing for specified sentencing of persons convicted of the life felony offense in s. 800.04(5)(b), F.S.; amending s. 800.04, F.S.; providing that it is a life felony for an offender 18 years of age or older to commit lewd or lascivious molestation against a victim younger than 12 years of age; amending s. 921.0022, F.S.; deleting ranking for offenses involving sexual predators and sexual offenders failing to comply with registration requirements; ranking offenses involving sexual predators and sexual offenders failing to comply with registration requirements and other requirements; ranking new criminal offenses for failing to reregister, failing to respond to address verification, failing to report or providing false information about a sexual predator or sexual offender, and harboring or concealing a sexual predator or sexual offender; correcting a reference to the felony degree of a lewd or lascivious offense; amending s. 921.141, F.S.; providing an additional aggravating circumstance pertaining to sexual predators for the purpose of imposing the death penalty; amending s. 943.043, F.S., requiring the Department of Law Enforcement to provide to local law enforcement agencies information on sexual predators and sexual offenders who fail to respond to address verification attempts or abscond from registration; amending s. 943.0435, F.S.; requiring twice yearly reregistration by sexual offenders; requiring reregistration information be provided to the Department of Law Enforcement; providing criminal offenses for failing to reregister, failing to respond to address verification, failing to report or providing false information about a sexual offender, and harboring or concealing a sexual offender; creating s. 943.04352, F.S.; requiring a search of the sexual offender and sexual predator registry by entities providing probation services; amending s. 944.607, F.S.; requiring twice yearly reregistration by sexual offenders;

requiring reregistration information be provided to the Department of Law Enforcement; providing criminal offenses for failing to reregister, failing to respond to address verification, failing to report or providing false information about a sexual offender, and harboring or hiding a sexual offender; amending

Amendment 2 as amended was adopted.

Senator Argenziano moved the following amendments which were adopted:

Amendment 3 (524788)(with title amendment)—On page 4, line 28 through page 8, line 4, delete those lines and insert:

Section 2. Paragraph (b) of subsection (4), Paragraph (l) of subsection (6), subsection (8), and subsection (10) of section 775.21, Florida Statutes, are amended to read:

775.21 The Florida Sexual Predators Act.—

(4) SEXUAL PREDATOR CRITERIA.—

(b) In order to be counted as a prior felony for purposes of this subsection, the felony must have resulted in a conviction sentenced separately, or an adjudication of delinquency entered separately, prior to the current offense and sentenced or adjudicated separately from any other felony conviction that is to be counted as a prior felony. ~~If the offender's prior enumerated felony was committed more than 10 years before the primary offense, it shall not be considered a prior felony under this subsection if the offender has not been convicted of any other crime for a period of 10 consecutive years from the most recent date of release from confinement, supervision, or sanction, whichever is later.~~

(6) REGISTRATION.—

(l) A sexual predator must maintain registration with the department for the duration of his or her life, unless the sexual predator has received a full pardon or has had a conviction set aside in a postconviction proceeding for any offense that met the criteria for the sexual predator designation. However, a sexual predator who was designated as a sexual predator by a court before October 1, 1998, and who has been lawfully released from confinement, supervision, or sanction, whichever is later, for at least 10 years and has not been arrested for any felony or misdemeanor offense since release, may petition the criminal division of the circuit court in the circuit in which the sexual predator resides for the purpose of removing the sexual predator designation. A sexual predator who was designated a sexual predator by a court on or after October 1, 1998, who has been lawfully released from confinement, supervision, or sanction, whichever is later, for at least 20 years, and who has not been arrested for any felony or misdemeanor offense since release may petition the criminal division of the circuit court in the circuit in which the sexual predator resides for the purpose of removing the sexual predator designation. *A sexual predator who was designated as a sexual predator by a court on or after October 1, 2005, who has been lawfully released from confinement, supervision, or sanction, whichever is later, for at least 30 years, and who has not been arrested for any felony or misdemeanor offense since release may petition the criminal division of the circuit court in the circuit in which the sexual predator resides for the purpose of removing the sexual predator designation.* The court may grant or deny such relief if the petitioner demonstrates to the court that he or she has not been arrested for any crime since release, the requested relief complies with the provisions of the federal Jacob Wetterling Act, as amended, and any other federal standards applicable to the removal of the designation as a sexual predator or required to be met as a condition for the receipt of federal funds by the state, and the court is otherwise satisfied that the petitioner is not a current or potential threat to public safety. The state attorney in the circuit in which the petition is filed must be given notice of the petition at least 3 weeks before the hearing on the matter. The state attorney may present evidence in opposition to the requested relief or may otherwise demonstrate the reasons why the petition should be denied. If the court denies the petition, the court may set a future date at which the sexual predator may again petition the court for relief, subject to the standards for relief provided in this paragraph. Unless specified in the order, a sexual predator who is granted relief under this paragraph must comply with the requirements for registration as a sexual offender and other requirements provided under s. 943.0435 or s. 944.607. If a petitioner obtains an order from the court that imposed the order designating the petitioner as a sexual predator which removes such designation, the peti-

tioner shall forward a certified copy of the written findings or order to the department in order to have the sexual predator designation removed from the sexual predator registry.

The sheriff shall promptly provide to the department the information received from the sexual predator.

(8) VERIFICATION.—The department and the Department of Corrections shall implement a system for verifying the addresses of sexual predators. The system must be consistent with the provisions of the federal Jacob Wetterling Act, as amended, and any other federal standards applicable to such verification or required to be met as a condition for the receipt of federal funds by the state. The Department of Corrections shall verify the addresses of sexual predators who are not incarcerated but who reside in the community under the supervision of the Department of Corrections. County and local law enforcement agencies, in conjunction with the department, shall verify the addresses of sexual predators who are not under the care, custody, control, or supervision of the Department of Corrections.

(a) A sexual predator must report in person each year during the month of the sexual predator's birthday and during the sixth month following the sexual predator's birth month to the sheriff's office in the county in which he or she resides or is otherwise located to reregister. The sheriff's office may determine the appropriate times and days for reporting by the sexual predator, which shall be consistent with the reporting requirements of this paragraph. Reregistration shall include any changes to the following information:

1. Name; social security number; age; race; sex; date of birth; height; weight; hair and eye color; address of any permanent residence and address of any current temporary residence, within the state or out of state, including a rural route address and a post office box; date and place of any employment; vehicle make, model, color, and license tag number; fingerprints; and photograph. A post office box shall not be provided in lieu of a physical residential address.

2. If the sexual predator is enrolled, employed, or carrying on a vocation at an institution of higher education in this state, the sexual predator shall also provide to the department the name, address, and county of each institution, including each campus attended, and the sexual predator's enrollment or employment status.

3. If the sexual predator's place of residence is a motor vehicle, trailer, mobile home, or manufactured home, as defined in chapter 320, the sexual predator shall also provide vehicle identification number; the license tag number; the registration number; and a description, including color scheme, of the motor vehicle, trailer, mobile home, or manufactured home. If the sexual predator's place of residence is a vessel, live-aboard vessel, or houseboat, as defined in chapter 327, the sexual predator shall also provide the hull identification number; the manufacturer's serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number; and a description, including color scheme, of the vessel, live-aboard vessel, or houseboat.

(b) The sheriff's office shall, within 2 working days, electronically submit and update all information provided by the sexual predator to the department in a manner prescribed by the department. This procedure shall be implemented by December 1, 2005.

(10) PENALTIES.—

(a) Except as otherwise specifically provided, a sexual predator who fails to register; who fails, after registration, to maintain, acquire, or renew a driver's license or identification card; who fails to provide required location information or change-of-name information; who fails to make a required report in connection with vacating a permanent residence; who fails to reregister as required; who fails to respond to any address verification correspondence from the department within three weeks of the date of the correspondence; or who otherwise fails, by act or omission, to comply with the requirements of this section, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) A sexual predator who has been convicted of or found to have committed, or has pled nolo contendere or guilty to, regardless of adjudication, any violation, or attempted violation, of s. 787.01, s. 787.02, or s. 787.025, where the victim is a minor and the defendant is not the victim's parent; s. 794.011(2), (3), (4), (5), or (8); s. 794.05; s. 796.03; s.

800.04; s. 827.071; s. 847.0133; or s. 847.0145, or a violation of a similar law of another jurisdiction, when the victim of the offense was a minor, and who works, whether for compensation or as a volunteer, at any business, school, day care center, park, playground, or other place where children regularly congregate, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) Any person who misuses public records information relating to a sexual predator, as defined in this section, or a sexual offender, as defined in s. 943.0435 or s. 944.607, to secure a payment from such a predator or offender; who knowingly distributes or publishes false information relating to such a predator or offender which the person misrepresents as being public records information; or who materially alters public records information with the intent to misrepresent the information, including documents, summaries of public records information provided by law enforcement agencies, or public records information displayed by law enforcement agencies on websites or provided through other means of communication, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(d) A sexual predator who commits any act or omission in violation of this section may be prosecuted for the act or omission in the county in which the act or omission was committed, the county of the last registered address of the sexual predator, or the county in which the conviction occurred for the offense or offenses that meet the criteria for designating a person as a sexual predator. In addition, a sexual predator may be prosecuted for any such act or omission in the county in which he or she was designated a sexual predator.

(e) An arrest on charges of failure to register, the service of an information or a complaint for a violation of this section, or an arraignment on charges for a violation of this section constitutes actual notice of the duty to register when the predator has been provided and advised of his or her statutory obligation to register under subsection (6). A sexual predator's failure to immediately register as required by this section following such arrest, service, or arraignment constitutes grounds for a subsequent charge of failure to register. A sexual predator charged with the crime of failure to register who asserts, or intends to assert, a lack of notice of the duty to register as a defense to a charge of failure to register shall immediately register as required by this section. A sexual predator who is charged with a subsequent failure to register may not assert the defense of a lack of notice of the duty to register.

(f) Registration following such arrest, service, or arraignment is not a defense and does not relieve the sexual predator of criminal liability for the failure to register.

(g) Any person who has reason to believe that a sexual predator is not complying, or has not complied, with the requirements of this section and who, with the intent to assist the sexual predator in eluding a law enforcement agency that is seeking to find the sexual predator to question the sexual predator about, or to arrest the sexual predator for, his or her noncompliance with the requirements of this section:

1. Withholds information from, or does not notify, the law enforcement agency about the sexual predator's noncompliance with the requirements of this section, and, if known, the whereabouts of the sexual predator;

2. Harbors, or attempts to harbor, or assists another person in harboring or attempting to harbor, the sexual predator;

3. Conceals or attempts to conceal, or assists another person in concealing or attempting to conceal, the sexual predator; or

4. Provides information to the law enforcement agency regarding the sexual predator which the person knows to be false information,

commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. This paragraph does not apply if the sexual predator is incarcerated in or is in the custody of a state correctional facility, a private correctional facility, a local jail, or a federal correctional facility.

And the title is amended as follows:

On page 1, lines 4-11, delete those lines and insert: F.S.; revising sexual predator criteria; extending the period for a petition to remove a sexual predator designation; requiring twice yearly reregistration by sexual predators; requiring reregistration information be provided to the

Department of Law Enforcement; providing criminal offenses for failing to reregister, failing to respond to address verification, failing to report or providing false information about a sexual predator, and harboring or concealing a sexual predator; amending s.

Amendment 4 (113272)—On page 5, line 25; on page 8, line 22; on page 32, line 18; on page 34, line 14; and on page 42, line 26, delete “October” and insert: *September*

Senator Smith moved the following amendment which was adopted:

Amendment 5 (455002)(with title amendment)—On page 8, lines 22-30, delete those lines and insert:

4. *For a life felony committed on or after October 1, 2005, which is a violation of s. 800.04(5)(b), by:*

- a. *A term of imprisonment for life; or*
- b. *A split sentence that is a term of not less than 25 years imprisonment and not exceeding life imprisonment, followed by probation or community control for the remainder of the person’s natural life, as provided in s. 948.012(4).*

And the title is amended as follows:

On page 1, line 14, after the semicolon (;) insert: *providing for 25-year mandatory minimum term of imprisonment;*

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

Amendment 6 (145958)—On page 32, lines 19 and 20, delete those lines and insert: *794, s. 800.04(4), (5), or (6), s. 827.071, or s. 847.0145, and the unlawful activity involved a victim who was 15 years of age or younger and the offender is 18 years of age or older*

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

Amendment 7 (284008)(with title amendment)—On page 32, between lines 24 and 25, insert:

Section 12. Subsection (4) of section 948.06, Florida Statutes, is amended to read:

948.06 Violation of probation or community control; revocation; modification; continuance; failure to pay restitution or cost of supervision.—

(4) Notwithstanding any other provision of this section, a probationer or an offender in community control who is arrested for violating his or her probation or community control in a material respect may be taken before the court in the county or circuit in which the probationer or offender was arrested. That court shall advise him or her of such charge of a violation and, if such charge is admitted, shall cause him or her to be brought before the court which granted the probation or community control. If such violation is not admitted by the probationer or offender, the court may commit him or her or release him or her with or without bail to await further hearing. *However, if the probationer or offender is under supervision for any criminal offense proscribed in chapter 794, s. 800.04(4), s. 800.04(5), s. 800.04(6), s. 827.071, or s. 847.0145, or is a registered sexual predator or a registered sexual offender, or is under supervision for a criminal offense for which he or she would meet the registration criteria in s. 775.21, s. 943.0435, or s. 944.607 but for the effective date of those sections, the court must make a finding that the probationer or offender is not a danger to the public prior to release with or without bail. In determining the danger posed by the offender or probationer’s release, the court may consider the nature and circumstances of the violation and any new offenses charged; the offender or probationer’s past and present conduct, including convictions of crimes; any record of arrests without conviction for crimes involving violence or sexual crimes; any other evidence of allegations of unlawful sexual conduct or the use of violence by the offender or probationer; the offender or probationer’s family ties, length of residence in the community, employment history, and mental condition; his or her history and conduct during the probation or community control supervision from which the violation arises and any other previous supervisions, including disciplinary records of previous incarcerations; the likelihood that the offender or probationer will engage again in a criminal course of conduct; the weight of the evidence against the offender or probationer; and any other facts*

the court considers relevant. The court, as soon as is practicable, shall give the probationer or offender an opportunity to be fully heard on his or her behalf in person or by counsel. After such hearing, the court shall make findings of fact and forward the findings to the court which granted the probation or community control and to the probationer or offender or his or her attorney. The findings of fact by the hearing court are binding on the court which granted the probation or community control. Upon the probationer or offender being brought before it, the court which granted the probation or community control may revoke, modify, or continue the probation or community control or may place the probationer into community control as provided in this section.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 27, after the semicolon (;) insert: *amending s. 948.06(4); requiring a court finding with regard to dangerousness to the public prior to release on bail under certain circumstances;*

Senator Argenziano moved the following amendments which were adopted:

Amendment 8 (953444)(with title amendment)—On page 34, line 26 through page 36, line 18, delete those lines and insert:

948.061 Identifying, assessing, and monitoring high-risk sex offenders on community supervision; providing cumulative criminal and supervision histories on the Internet.—

(1) *By December 1, 2005, the department shall develop a graduated risk assessment that identifies, assesses, and closely monitors a high-risk sex offender who is placed on probation or in community control and who:*

(a) *Has previously been placed on probation or in community control and has a history of committing multiple violations of community supervision in this state or in any other jurisdiction or have previously been incarcerated in this state or in any other jurisdiction; and*

(b) *Has experienced more than one of the following risk factors that could potentially make the offender more likely to pose a danger to others:*

1. *Previous conviction for domestic violence;*
2. *History of substance abuse;*
3. *Unemployment or substantial financial difficulties;*
4. *Previous conviction for violence or sex acts against children, particularly involving strangers; or*
5. *Any other risk factor identified by the department.*

(2) *To facilitate the information available to the court at first appearance hearings and at all subsequent hearings for these high-risk sex offenders, the department shall, no later than March 1, 2006, post on FDLE’s Criminal Justice Intranet a cumulative chronology of the sex offender’s prior terms of state probation and community control, including all substantive or technical violations of state probation or community control. The sheriff’s office in the county where the arrested person is booked shall insure that state and national criminal history information and all criminal justice information available in the Florida Crime Information Center and the National Crime Information Center, is provided to the court at the time of the first appearance. The courts shall assist the department’s dissemination of critical information by creating and maintaining an automated system to provide the information as specified in this subsection and by providing the necessary technology in the courtroom to deliver the information.*

(3) *In monitoring the location of high-risk sex offenders,*

And the title is amended as follows:

On page 3, line 5, after “provided” insert: *via FDLE’s Criminal Justice Intranet*

Amendment 9 (881208)—On page 37, line 29 through page 38, line 1, delete those lines and insert:

(2) *The department shall provide a statistical data summary from these reviews to the*

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

Amendment 10 (243348)—On page 38, lines 19 and 20, delete “12 years of age or under” and insert: *15 years of age or younger and the offender is 18 years of age or older*

Senator Villalobos moved the following amendment which was adopted:

Amendment 11 (840886)(with title amendment)—On page 40, between lines 9 and 10, insert:

(8) *A person who intentionally alters, tampers with, damages or destroys any electronic monitoring equipment pursuant to court or commission order, unless such person is the owner of the equipment, or an agent of the owner, performing ordinary maintenance and repairs commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

And the title is amended as follows:

On page 3, delete line 29 and insert: *offenders; prohibiting the intentional altering, tampering, damaging or destroying of any electronic monitoring equipment; amending s. 948.15, F.S.; specifying*

Senator Argenziano moved the following amendment which was adopted:

Amendment 12 (384472)(with title amendment)—On page 42, lines 17-24, delete those lines and insert:

Section 18. Subsection (2) of section 948.30, Florida Statutes, is amended and subsection (3) is added to that section to read:

948.30 Additional terms and conditions of probation or community control for certain sex offenses.—Conditions imposed pursuant to this section do not require oral pronouncement at the time of sentencing and shall be considered standard conditions of probation or community control for offenders specified in this section.

(2) Effective for a probationer or community controllee whose crime was committed on or after October 1, 1997, and who is placed on *community control* or sex offender probation for a violation of chapter 794, s. 800.04, s. 827.071, or s. 847.0145, in addition to any other provision of this subsection, the court must impose the following conditions of probation or community control:

(a) As part of a treatment program, participation at least annually in polygraph examinations to obtain information necessary for risk management and treatment and to reduce the sex offender’s denial mechanisms. A polygraph examination must be conducted by a polygrapher trained specifically in the use of the polygraph for the monitoring of sex offenders, where available, and shall be paid for by the sex offender. The results of the polygraph examination shall not be used as evidence in court to prove that a violation of community supervision has occurred.

(b) Maintenance of a driving log and a prohibition against driving a motor vehicle alone without the prior approval of the supervising officer.

(c) A prohibition against obtaining or using a post office box without the prior approval of the supervising officer.

(d) If there was sexual contact, a submission to, at the probationer’s or community controllee’s expense, an HIV test with the results to be released to the victim or the victim’s parent or guardian.

(e) Electronic monitoring when deemed necessary by the community control or probation officer and his or her supervisor, and ordered by the court at the recommendation of the Department of Corrections.

And the title is amended as follows:

On page 4, line 2, after the semicolon (;) insert: *specifying additional conditions for persons placed on community control;*

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

Amendment 13 (300466)—On page 42, line 29 through page 43, line 6, delete those lines and insert: *violation of chapter 794, s. 800.04(4),*

(5), or (6), s. 827.071, or s. 847.0145 and the unlawful sexual activity involved a victim 15 years of age or younger and the offender is 18 years of age or older;

(b) *Is designated a sexual predator pursuant to s. 775.21; or*

(c) *Has previously been convicted of a violation of chapter 794, s. 800.04(4), (5), or (6), s. 827.071, or s. 847.0145 and the unlawful sexual activity involved a victim 15 years of age or younger and the offender is 18 years of age or older,*

Senator Argenziano moved the following amendments which were adopted:

Amendment 14 (062026)(with title amendment)—On page 43, between lines 10 and 11, insert:

Section 19. Subsection (1) of section 1012.465, Florida Statutes, is amended to read:

1012.465 Background screening requirements for certain noninstructional school district employees and contractors.—

(1) Noninstructional school district employees or contractual personnel who *are permitted access on school grounds when students are present, who have direct contact with students or who have access to or control of school funds must meet level 2 screening requirements as described in s. 1012.32. Contractual personnel shall include any vendor, individual, or entity under contract with the school board.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 4, after the semicolon (;) insert: *amending s. 1012.465(1), F.S.; clarifying background screening requirements for contractual personnel who have access on school grounds;*

Amendment 15 (574718)—On page 44, lines 6-17, delete those lines and insert:

4. *Any other subject that the task force deems*

Amendment 16 (633294)—On page 45, lines 10-19, delete those lines and insert: *registration process and community and public notification provisions. As part of determining the effectiveness of the registration process, the OPPAGA shall examine the current practices of: the Department of Corrections, county probation offices, clerk of courts, court administrators, county jails and booking facilities, Department of Children and Family Services, judges, state attorneys offices, Department of Highway Safety and Motor Vehicles, Department of Law Enforcement, and local law enforcement agencies as they relate to: sharing of offender information regarding registered sexual predators and sexual offenders for purposes of fulfilling the requirements set forth in the registration laws; ensuring the most accurate, current and comprehensive information is provided in a timely manner to the registry; ensuring the effective supervision and subsequent monitoring of sexual predators and offenders; and ensuring informed decisions are made at each point of the criminal justice and registration process. In addition to determining the effectiveness of the registration process, the report shall focus on the question of whether the notification provisions in statute are sufficient to apprise communities of the presence of sexual predators and sexual offenders. The report shall examine how local law enforcement agencies collect and disseminate information in an effort to notify the public and communities of the presence of sexual predators and offenders. If the report finds deficiencies in the registration process,*

Amendment 17 (754514)—On page 46, delete line 11 and insert: *fiscal year. The sum of \$121,114 in nonrecurring funds is*

Amendment 18 (645288)—On page 46, line 28 through page 47, line 7, delete those lines and insert: *Nine full-time positions are authorized and the sum of \$389,905 in recurring funds is appropriated from the General Revenue Fund to the Department of Law Enforcement for salaries and benefits for the 2005-2006 fiscal year. The sums of \$58,617 in recurring funds and \$77,070 in nonrecurring funds are appropriated from the General Revenue Fund to the Department of Law Enforcement for expenses for the 2005-2006 fiscal year. The sum of \$94,200 in nonrecurring funds is appropriated from the General Revenue Fund to the Department of Law Enforcement for operating capital outlay for the*

2005-06 fiscal year. The sums of \$143,000 in recurring funds and \$521,000 in nonrecurring funds are appropriated from the General Revenue Fund to the Department of Law Enforcement for other personal services for the 2005-2006 fiscal year.

Amendment 19 (790800)—On page 47, line 13, delete “October” and insert: September

On motion by Senator Argenziano, further consideration of **CS for CS for SB 1216** as amended was deferred.

On motion by Senator Atwater—

CS for SB 1868—A bill to be entitled An act relating to health care; amending s. 395.003, F.S.; extending by 1 year the moratorium on approving additional emergency departments located off the premises of a licensed hospital; amending s. 395.1027, F.S.; requiring that the regional poison control centers be certified; requiring a health care facility or practitioner to release a patient’s medical records upon request of a regional poison control center under certain circumstances; amending ss. 395.3025 and 456.057, F.S.; authorizing a regional poison control center to disclose a patient’s medical records for purposes of treatment and case management, and to comply with data-collection requirements of the state and the poison control organization that certifies poison control centers in accordance with federal law; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1868** was placed on the calendar of Bills on Third Reading.

On motion by Senator Crist—

CS for SB 2196—A bill to be entitled An act relating to trust funds; creating s. 985.4043, F.S.; creating the Shared County/State Juvenile Detention Trust Fund within the Department of Juvenile Justice; providing for sources of funds and purposes; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2196** was placed on the calendar of Bills on Third Reading.

Consideration of **HB 1889** and **HB 1899** was deferred.

On motion by Senator Webster—

CS for SB 2228—A bill to be entitled An act relating to asbestos-related claims; providing legislative findings and intent; defining terms related to asbestos-related claims; providing that the limitations of liabilities in the act apply to a corporation that is a successor and became a successor before January 1, 1972; providing exceptions to the limitations of the act; providing that the cumulative successor asbestos-related liabilities of a corporation are limited to the fair market value of the total gross assets of the transferor determined as of the time of the merger or consolidation; providing an exception; providing methods by which to establish fair market value of total gross assets; providing for the fair market value of total gross assets at the time of a merger or consolidation to increase annually; providing a methodology by which the fair market value of the assets is increased; requiring that the courts liberally construe the act; providing for severability; providing for applicability; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2228** was placed on the calendar of Bills on Third Reading.

On motion by Senator Argenziano—

CS for CS for SB 1446—A bill to be entitled An act relating to state financial matters; amending s. 121.021, F.S.; clarifying that the State Board of Administration may require that a member of the Florida Retirement System provide evidence of termination; amending s. 121.091, F.S.; providing that a member of the Public Employee Optional Retirement Program may not return to employment with an employer under the Florida Retirement System until after being terminated for 3 calendar months; providing an exception for those members who have reached the normal retirement requirements of the defined benefit plan; amending s. 121.35, F.S.; changing the requirements of the Department of Management Services’ designation of a fifth company to provide services under the state university optional retirement program; amending s. 121.4501, F.S.; redefining the terms “eligible employee” and “participant” for purposes of the Public Employee Optional Retirement Program; prescribing certain conditions on participation in the program; deleting references to the program’s advisory committees; prescribing procedures for, and certain presumptions relating to, designation of beneficiaries; providing for participation by terminated DROP participants; amending s. 121.591, F.S.; providing for cancellation of certain payment instruments under the program when not presented for payment; providing for payment upon subsequent application and for forfeiture when not claimed within a certain period; providing that members of the Public Employee Optional Retirement Program may not receive a distribution from their account until after being terminated for 3 calendar months; providing an exception; providing for designation of beneficiaries for death benefits; amending s. 215.47, F.S.; authorizing investments in asset-backed securities; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 1446** was placed on the calendar of Bills on Third Reading.

On motion by Senator Sebesta—

CS for SB 718—A bill to be entitled An act relating to the Department of Transportation; amending s. 337.251, F.S.; authorizing the department to adopt rules governing the leasing of property for joint public-private development; amending s. 337.406, F.S.; granting local governments authority to issue permits allowing limited temporary use of state transportation right-of-way; clarifying limited access facilities are not included in such authority; amending s. 339.55, F.S.; establishing a maximum limit on state-funded infrastructure bank loans to the State Transportation Trust Fund; amending s. 373.4137, F.S.; revising the requirements for projects intended to mitigate the adverse effects of transportation projects; removing the Department of Environmental Protection from the mitigation process; revising requirements for the Department of Transportation and the transportation authorities with respect to submitting plans and inventories; authorizing the use of current-year funds for future projects; revising the requirements for reconciling escrow accounts used to fund mitigation projects; authorizing payments to a water management district to fund the costs of future maintenance and monitoring; requiring specified lump-sum payments to be used for the mitigation costs of certain projects; authorizing a governing board of a water management district to approve the use of mitigation funds for certain future projects; requiring that mitigation plans be approved by the water management district rather than the Department of Environmental Protection; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 718** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bennett—

CS for SB 2284—A bill to be entitled An act relating to Small Cities Community Development Block Grants; amending s. 290.0411, F.S.; stating legislative intent regarding the Small Cities Community Development Block Grant Program; amending s. 290.044, F.S.; providing an additional program category for grants; removing requirement that the Department of Community Affairs provide recommendations to the Legislature as to distribution of federal funds relating to Small Cities Community Development Block Grant Program Fund; authorizing the department to set aside federal funds for a local government for disaster

relief; removing provisions limiting a set-aside to certain federal funds; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2284** was placed on the calendar of Bills on Third Reading.

On motion by Senator Saunders—

CS for CS for SB 334—A bill to be entitled An act relating to public housing; amending s. 421.02, F.S.; clarifying a legislative finding with respect to the inability of private enterprise to revitalize blighted areas; public housing; amending s. 421.08, F.S.; authorizing a housing authority to organize for the purpose of creating a for-profit or not-for-profit corporation, limited liability company, or similar entity to develop and operate residential homes or nonresidential projects; providing qualifications for a family to live in such a residential home; authorizing a corporation, limited liability company, or similar entity created by a housing authority to join with other entities to develop and operate residential or nonresidential projects; ratifying certain prior actions of a housing authority; authorizing the governing board of a housing authority to implement its own policy regarding per diem and travel expenses of its officials, officers, employees, and board members; amending s. 421.09, F.S.; providing that the certain limitations regarding the operation and management of a housing project do not restrict the activities of a for-profit or not-for-profit business entity created by the housing authority under s. 421.08, F.S.; amending s. 421.23, F.S.; authorizing a housing authority to use certain pledged funds to pay liabilities arising from the operation of its housing projects; repealing s. 421.54, F.S., relating to certain limitations on constructing housing projects in Orange and Seminole Counties; 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:

Senator Klein moved the following amendment which was adopted:

Amendment 1 (525270)(with title amendment)—On page 2, line 7, insert:

Section 1. Paragraph (m) of subsection (6) of section 420.5087, Florida Statutes, is amended to read:

420.5087 State Apartment Incentive Loan Program.—There is hereby created the State Apartment Incentive Loan Program for the purpose of providing first, second, or other subordinated mortgage loans or loan guarantees to sponsors, including for-profit, nonprofit, and public entities, to provide housing affordable to very-low-income persons.

(6) On all state apartment incentive loans, except loans made to housing communities for the elderly to provide for lifesafety, building preservation, health, sanitation, or security-related repairs or improvements, the following provisions shall apply:

(m) Sponsors shall annually certify the adjusted gross income of all persons or families qualified under subsection (2) at the time of initial occupancy, who are residing in a project funded by this program. All persons or families qualified under subsection (2) may continue to qualify under subsection (2) in a project funded by this program if the adjusted gross income of those persons or families at the time of annual recertification meets the requirements established in s. 142(d)(3)(B) of the Internal Revenue Code of 1986, as amended. If the annual recertification of persons or families qualifying under subsection (2) results in noncompliance with income occupancy requirements, the next available unit must be rented to a person or family qualifying under subsection (2) in order to ensure continuing compliance of the project. *The Corporation may waive the annual recertification if 100 percent of the units are set aside as affordable.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 2, after the semicolon (;) insert: amending s. 420.5087, F.S.; authorizing the Florida Housing Finance Corporation to waive annual recertification under certain conditions;

Pursuant to Rule 4.19, **CS for CS for SB 334** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Rich—

CS for SB 1774—A bill to be entitled An act relating to the Florida Litter Law; amending s. 403.413, F.S.; increasing the fine for a noncriminal infraction of the Florida Litter Law from \$50 to \$100; dedicating a portion of the increase to the Solid Waste Management Trust Fund; providing a use for such funds; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1774** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 348** was deferred.

On motion by Senator Bennett—

SB 2296—A bill to be entitled An act relating to pharmacy practice; amending s. 465.003, F.S.; redefining the term “practice of the profession of pharmacy” to include the administering of influenza virus immunizations to adults by a pharmacist within an established protocol and under a supervisory practitioner who is a licensed physician or by written agreement with a county health department; providing requirements for the protocol; requiring professional liability insurance, training and certification in immunization, and employer approval before entering into a protocol; providing requirements for the certification program; providing an effective date.

—was read the second time by title.

MOTION

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

Senator Bennett moved the following amendment which was adopted:

Amendment 1 (050498)—On page 3, line 17, after the period (.) insert: *The certification to perform inactivated influenza vaccinations shall include, but need not be limited to, the following compliance criteria:*

(a) *Compliance with all provisions of s. 381.003 relating to communicable disease and AIDS prevention and control;*

(b) *Compliance with all provisions of s. 381.0031 relating to reporting of diseases of public health significance to the department;*

(c) *Compliance with all provisions of s. 381.0098 relating to biomedical waste;*

(d) *Compliance with all Occupational Safety and Health Administration standards for management, handling, and disposal of sharps; and*

(e) *Completion of and compliance with the Centers for Disease Control Influenza Update for the year in which influenza vaccinations will be offered.*

The pharmacist's certification must be obtained prior to advertising to the public and administering inactivated influenza vaccinations. The pharmacist shall submit to the Board of Pharmacy a copy of the protocol or written agreement to administer inactivated influenza vaccine.

MOTION

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

Senator Sebesta moved the following amendment which was adopted:

Amendment 2 (454978)(with title amendment)—On page 3, line 1, after the period (.) insert: *A pharmacist administering an influenza vaccine shall maintain and make available patient records using the same standards for confidentiality and maintenance of such records as those that are imposed on health care practitioners by s. 456.057. These records must be maintained for a minimum of 5 years.*

And the title is amended as follows:

On page 1, line 14, after the semicolon (;) insert: requiring a pharmacist to maintain and make available patient records for a certain time period;

Pursuant to Rule 4.19, **SB 2296** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Atwater, by two-thirds vote **HB 531** was withdrawn from the Committees on Banking and Insurance; and Judiciary.

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

HB 531—A bill to be entitled An act relating to certificates of release for mortgages; creating s. 701.041, F.S.; providing definitions; providing for the issuance of a certificate of release for a mortgage by a title insurer or its authorized agent for certain purposes; providing for recordation; specifying contents of a certificate of release; requiring execution, acknowledgment, and recordation of a certificate of release by certain entities; providing requirements for appointment of an agent for execution purposes; providing for effect of a certificate of release; providing for liability of title insurers under certain circumstances; providing criteria for recording multiple certificates of release; providing application; requiring the Financial Services Commission to adopt rules establishing an actuarially sound premium charge for certificates of release; repealing s. 701.05, F.S., relating to failing or refusing to satisfy a lien and punishment therefor; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1258** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 531** was placed on the calendar of Bills on Third Reading.

On motion by Senator Villalobos—

CS for CS for SB 572—A bill to be entitled An act relating to consumer protection; amending s. 501.160, F.S.; providing criminal penalties for any person who fails to possess an occupational license and offers goods and services for sale to the public during a declared state of emergency; providing that this provision shall not apply to certain organizations; providing that failure to possess such a license constitutes reasonable cause to detain such person for a reasonable amount of time and in a reasonable manner; amending s. 252.36, F.S.; providing the Governor with certain emergency management powers; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 572** was placed on the calendar of Bills on Third Reading.

On motion by Senator Alexander—

SB 1678—A bill to be entitled An act relating to public school class size; amending s. 1003.03, F.S.; revising provisions relating to determination of class size averages for purpose of compliance with class size maximums; providing for reversal of class size reduction operating categorical transfers under certain circumstances; providing an effective date.

—was read the second time by title.

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

Amendment 1 (094700)—On page 3, line 1, delete *2005* and insert: *2003*

Pursuant to Rule 4.19, **SB 1678** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Peaden, by two-thirds vote **HB 763** was withdrawn from the Committees on Health Care; and Health and Human Services Appropriations.

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

HB 763—A bill to be entitled An act relating to critical access hospitals; amending s. 395.002, F.S.; revising the definition of “hospital” to provide an exception with regard to facilities offered by a critical access hospital; revising the definition of “intensive residential treatment programs for children and adolescents” to include additional accrediting organizations for purposes of licensure of such programs; correcting a cross reference; amending s. 395.003, F.S.; extending the moratorium on approving additional emergency departments located off the premises of licensed hospitals; providing for additional accrediting organizations for purposes of licensure of intensive residential treatment programs; correcting a cross reference; amending s. 395.602, F.S.; revising the definition of “rural hospital” to conform to changes made by the act; amending s. 408.07, F.S.; defining the term “critical access hospital”; revising the definition of “rural hospital”; amending ss. 408.061, 458.345, and 459.021, F.S.; conforming cross references; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1472** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 763** was placed on the calendar of Bills on Third Reading.

On motion by Senator Baker—

CS for SB 1318—A bill to be entitled An act relating to underground petroleum storage tanks; amending s. 376.3071, F.S.; directing the Department of Environmental Protection to encumber petroleum remediation funds uniformly throughout the state’s fiscal year; providing for a prioritization within a priority scoring range; providing that limited source removal projects approved outside the established priority order may be funded from the Inland Protection Trust Fund; providing a priority order for these projects; limiting the use of the funds to certain specified purposes; limiting the amount of money allocated to such projects each fiscal year; providing for the repeal of the law on a specified date; amending s. 376.30713, F.S.; providing that the preapproved advanced cleanup provisions may apply to certain discharges under the petroleum cleanup participation program; amending s. 376.3075, F.S.; authorizing the Inland Protection Financing Corporation to borrow money and issue bonds to pay for large-scale cleanups that are eligible for state funding; requiring submission of a plan by the Inland Protection Financing Corporation prior to the issuance of certain debt; requiring the department to obtain legislative authorization for certain debt-financed cleanup projects and payments; extending the termination date of the corporation; creating s. 376.30715, F.S.; providing that certain contaminated sites acquired prior to July 1, 1990, are eligible for state financial cleanup assistance; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1318** was placed on the calendar of Bills on Third Reading.

On motion by Senator Atwater—

SB 2574—A bill to be entitled An act relating to dentistry; amending s. 466.004, F.S.; limiting the time a member may serve on the Board of Dentistry; amending s. 466.006, F.S.; clarifying examination provisions; amending s. 466.007, F.S.; reducing the postsecondary education required to take the licensing examination; amending s. 466.0135, F.S.; authorizing the board to authorize a continuing education practice-management course; amending s. 466.021, F.S.; increasing the time that certain work orders must be retained; amending s. 466.025, F.S.; provid-

ing for the board to issue temporary certificates to certain unlicensed persons practicing in government facilities; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 2574** was placed on the calendar of Bills on Third Reading.

On motion by Senator Alexander—

CS for SB 1244—A bill to be entitled An act relating to the tax on gross receipts for utility services; amending s. 203.01, F.S.; providing for a tax on utility services delivered to a retail consumer in this state; providing for a tax on the gross receipts of a distribution company providing delivery of electricity to a retail consumer, based on an index price; providing for an annual calculation of the index price; providing for a tax reduction by refund for a like tax paid to another jurisdiction; providing for a tax on the gross receipts of a distribution company providing for the sale or transportation of natural gas or manufactured gas to a retail consumer, based on an index price; providing for an annual calculation of the index price; providing for a tax reduction by refund for similar taxes paid to another jurisdiction; providing for a tax on the cost price of electricity, natural gas, or manufactured gas to be paid by any person who causes these products to be severed or imported into the state for that person's own use; revising obsolete provisions; providing that the tax does not apply to certain sales, transportation, delivery, or uses; providing that a written certificate of entitlement to the exclusion from tax for persons eligible for an exemption under s. 212.08(7)(ff)2., F.S., relieves the seller or person providing transportation or delivery from responsibility of remitting tax; requiring any person who transports natural or manufactured gas to furnish a list of customers to the Department of Revenue; amending s. 203.012, F.S.; redefining the term "utility service"; defining the term "distribution company"; authorizing the executive director of the Department of Revenue to adopt emergency rules to implement the act; providing an amnesty for unpaid gross receipts tax, penalties, and interest on unpaid gross receipts tax otherwise due for selling natural gas in this state; providing conditions for the amnesty; providing limitations for the amnesty; authorizing the executive director of the Department of Revenue to adopt emergency rules to implement the amnesty; providing an effective date.

—was read the second time by title.

Senator Alexander moved the following amendment which was adopted:

Amendment 1 (201706)—On page 3, lines 27 and 28, delete "*final consumer*" and insert: *retail consumer*

Pursuant to Rule 4.19, **CS for SB 1244** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Smith—

CS for SB 1094—A bill to be entitled An act relating to the Blood Donor Protection Act; creating s. 381.0043, F.S.; providing a popular name; providing that no blood bank or subsidiary or affiliate thereof or employee or agent of a blood bank or subsidiary or affiliate thereof may be compelled to disclose the identity or identifying characteristics of any person who donates blood or any blood components; providing an exception; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1094** was placed on the calendar of Bills on Third Reading.

On motion by Senator Wise—

CS for SB 1438—A bill to be entitled An act relating to consumer services; amending s. 493.6101, F.S.; expanding the definition of the term "repossession" for purposes of the regulation of repossession services; amending s. 493.6102, F.S.; revising the applicability of ch. 493, F.S., governing private investigative, private security, and repossession services; amending s. 493.6110, F.S.; revising insurance requirements

for licensure under ch. 493, F.S.; providing insurance requirements with respect to Class "B" security agencies; amending s. 493.6118, F.S.; revising the grounds for disciplinary action against a person or entity that is licensed as, or an applicant for licensure as, a recovery agency, recovery agent, or recovery agent intern; amending s. 493.6403, F.S.; revising licensure requirements for recovery agent managers and recovery agents, to conform; amending s. 493.6404, F.S.; revising requirements for the inventory of certain personal effects or property contained in or on repossessed property, to conform; amending s. 493.6405, F.S.; providing a penalty for the unauthorized sale of repossessed aircraft, personal watercraft, all-terrain vehicles, farm equipment, or industrial equipment by a recovery agent or recovery agent intern and for failure to remit the net proceeds from the sale of such repossessed property to the owner or lienholder; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1438** was placed on the calendar of Bills on Third Reading.

On motion by Senator Lynn—

CS for CS for SB 186—A bill to be entitled An act relating to sexually transmissible disease testing and reporting; amending s. 381.004, F.S.; prohibiting the disclosure of a positive preliminary HIV test result to any person except as specifically authorized; providing that certain HIV test results are preliminary and may be released in accordance with federal requirements; providing that a pregnant woman's informed consent is not required; amending s. 384.25, F.S.; requiring the reporting of a result indicative of HIV or AIDS; requiring the Department of Health to adopt rules specifying certain information, including the maximum time period for reporting a sexually transmissible disease; requiring the use of a system developed by the Centers for Disease Control or its equivalent for the confidential reporting of HIV infection or AIDS; requiring the department to adopt rules governing the reporting of HIV-exposed infants or newborns; deleting a provision requiring the reporting of diagnosed AIDS cases based upon certain criteria; deleting a provision requiring that physicians and laboratories report certain cases of HIV infection; deleting a requirement that the department submit an annual report to the Legislature; amending s. 384.31, F.S.; requiring that certain health care professionals who attend a pregnant woman test for sexually transmissible diseases and HIV; requiring that a pregnant woman be informed of tests for sexually transmissible diseases and her right to refuse; requiring that a written statement of objection to testing for sexually transmissible diseases be placed in the pregnant woman's medical records; deleting a requirement that a health care provider counsel a pregnant woman concerning HIV testing; deleting a provision that provides immunity from liability to a health care provider who counsels a pregnant woman who objects to HIV testing; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 186** was placed on the calendar of Bills on Third Reading.

On motion by Senator Haridopolos—

CS for SB 656—A bill to be entitled An act relating to law enforcement and correctional officers; providing a popular name; amending s. 112.19, F.S.; providing death benefits for law enforcement, correctional, or correctional probation officers in certain circumstances; amending s. 112.532, F.S.; providing a limitations period for certain actions involving the discipline, demotion, or dismissal of a law enforcement officer or correctional officer; providing for written notification of such actions; providing exceptions to the limitations period; providing for the reopening of investigations and subsequent disciplinary action in certain circumstances; reenacting ss. 110.123(4)(e), 112.19(3), as amended by chs. 2002-191 and 2004-357, Laws of Florida, 112.19(3), as amended by chs. 2002-232, 2003-1, and 2004-357, Laws of Florida, 250.34(4), 285.18(2)(c), 943.04(2)(d), and 943.68(2), F.S., relating to contributions under the state group insurance program, educational benefits for children and spouses of certain law enforcement personnel, benefits for certain members of the Florida National Guard, benefits for certain law enforcement personnel employed by tribal councils, benefits for certain law enforcement personnel employed by the Department of Law Enforcement in the

Criminal Justice Investigations and Forensic Science Program, and benefits for certain law enforcement personnel employed by the Department of Law Enforcement to provide certain security involving the Governor, respectively, for the purpose of incorporating the amendment to s. 112.19, F.S., in references thereto; providing applicability; providing an effective date.

—was read the second time by title.

Senator Haridopolos moved the following amendments which were adopted:

Amendment 1 (805928)—On page 2, line 11, delete “*This act*”, and insert: *Sections 1 through 10 of this act*

Amendment 2 (772062)(with title amendment)—On page 10, between lines 24 and 25, insert:

Section 11. Paragraph (a) of subsection (1) of section 943.22, Florida Statutes, is amended to read:

943.22 Salary incentive program for full-time officers.—

(1) For the purpose of this section, the term:

(a) “Accredited college, university, or community college” means a college, university, or community college *that which* has been accredited by the Southern Association of Colleges and Schools, another regional accrediting agency, ~~or~~ the Accrediting Council for Independent Colleges and Schools *or an accrediting agency or association that is recognized by the database created and maintained by the United States Department of Education.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 6, after the semicolon (;) insert: amending s. 943.22, F.S.; revising definitions relating to qualification of certain law enforcement officers for a salary incentive program;

Pursuant to Rule 4.19, **CS for SB 656** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Bennett—

CS for CS for CS for SB 1010—A bill to be entitled An act relating to administrative procedures; amending s. 11.60, F.S.; revising duties of the Administrative Procedures Committee with respect to its review of statutes; amending s. 57.111, F.S.; redefining the term “small business” to include certain specified individuals whose net worth does not exceed a specified amount; amending s. 120.54, F.S.; requiring an agency to file a notice of change with the Administrative Procedures Committee; revising times for filing rules for adoption; providing for the form and provisions of bonds; revising applicability of certain uniform rules; amending s. 120.55, F.S.; requiring that certain information be included in forms incorporated by reference in rules; requiring information to be published electronically on an Internet website; providing that such publication does not preclude other publications; providing additional duties of the Department of State with respect to publications; providing requirements for the Internet website; amending s. 120.551, F.S.; postponing the repeal of this section, relating to Internet publication; amending s. 120.56, F.S.; revising provisions relating to withdrawal of challenged rules; amending s. 120.569, F.S.; prescribing circumstances under which the time for filing a petition for hearing must be extended; amending s. 120.57, F.S.; requiring a final order to include an explicit ruling on each exception to the recommended order; providing when certain orders become effective; requiring that additional information be included in notices relating to protests of contract solicitations or awards; amending s. 120.65, F.S.; requiring the Division of Administrative Hearings to include certain recommendations in its annual report to the Administrative Procedures Committee; amending s. 120.74, F.S.; requiring agency reports to be filed with the Administrative Procedures Committee; requiring that the annual report filed by an agency identify the types of cases or disputes in which it is involved which should be conducted under the summary hearing process; amending s. 120.80, F.S.; requiring that the commission refer certain matters affecting the substantial interest of a utility to the Division of Administrative Hearings so that an

administrative judge may be assigned to conduct a hearing and enter a recommended order; requiring the Department of State to provide certain assistance to agencies in their transition to publishing on the Florida Administrative Weekly Internet website; providing effective dates.

—was read the second time by title.

Senator Fasano offered the following amendments which were moved by Senator Bennett and adopted:

Amendment 1 (315354)(with title amendment)—On page 20, line 23 through page 21, line 4, delete section 11 and renumber subsequent sections.

And the title is amended as follows:

On page 2, lines 17-23, delete those lines and insert: under the summary hearing process;

Amendment 2 (152702)—On page 20, lines 28-31, delete those lines and insert:

(g) *In any agency action initiated by the Public Service Commission on or after January 1, 2006, which affects the substantial interest of a utility regulated under chapter 367 concerning any matter pertaining to s. 120.60(5), when a formal administrative hearing is*

Pursuant to Rule 4.19, **CS for CS for CS for SB 1010** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Saunders—

SB 1122—A bill to be entitled An act relating to third-party liability; amending s. 213.053, F.S.; expanding the authority of the Department of Revenue to provide the Agency for Health Care Administration with tax information; reenacting s. 206.27(2), F.S., relating to records and files as public records, to incorporate the amendment to s. 213.053, F.S., in a reference thereto; amending s. 409.910, F.S.; requiring third-party liability administrators and pharmacy benefits managers to provide certain records and information relating to payments on behalf of Medicaid-eligible persons; amending s. 733.2121, F.S.; requiring the personal representative of a decedent to provide a copy of a death certificate to the Agency for Health Care Administration; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1122** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1722** was deferred.

On motion by Senator Saunders—

CS for SB 1118—A bill to be entitled An act relating to motor vehicle crash reports; amending s. 316.003, F.S.; defining the term “victim services programs”; amending s. 316.066, F.S.; providing for victim services programs to immediately obtain vehicle crash reports; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1118** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 328** and **SB 252** was deferred.

On motion by Senator Lynn, by two-thirds vote **HB 385** was withdrawn from the Committee on Transportation.

On motion by Senator Lynn, the rules were waived and—

HB 385—A bill to be entitled An act relating to state facility designations; designating Ramon Puig Way, Shawn O'Dare Way, Marge Pearlson Way, and Jorge L. Cabrera Way in Miami-Dade County; designating the Correction Officers Memorial Bridge in Bradford and Union Counties; designating Martin Andersen Beachline Expressway in Orange and Brevard Counties; designating Daniel Webster Western Beltway in Orange County; designating Robert F. Grim, Sr., Memorial Parkway in Volusia County; designating Veteran's Memorial Boulevard in Walton County; designating the Southeastern Guide Dog Overpass in Manatee County; designating the Joseph O. Striska Florida Welcome Center in Hamilton County; designating Purple Heart Memorial Highway in Highlands County; repealing s. 25 of ch. 2004-392, Laws of Florida, relating to the designation of St. Petersburg/William C. Cramer Parkway in Pinellas County; designating St. Petersburg Parkway/William C. Cramer Memorial Highway in Pinellas County; designating Richard E. "Pete" Damon Bridge in Palm Beach County; designating Alexander Alden Ware Memorial Cable Barrier System in Palm Beach, St. Lucie, and Miami-Dade Counties; directing the Department of Transportation to erect suitable markers; designating Jorge L. Cabrera Way, Roi Henri Christophe Boulevard, Charles Summer Boulevard, Capois-La-Mort Boulevard, and Jean Baptiste Point du Sable Boulevard in Miami-Dade County; directing the Department of Transportation to erect suitable markers; providing an effective date.

—a companion measure, was substituted for **CS for SB 770** and read the second time by title.

Senator Lynn moved the following amendment:

Amendment 1 (985940)(with title amendment)—On page 8, between lines 204 and 205, insert:

Section 21. *Eric Ulysses Ramirez Highway designated; Department of Transportation to erect suitable markers.—*

(1) *The portion of State Road 50 in Lake County between the community of Stuckey and the Mascotte city limits is designated as the "Eric Ulysses Ramirez Highway."*

(2) *The Department of Transportation is directed to erect suitable markers designating the Eric Ulysses Ramirez Highway as described in subsection (1).*

Section 22. *Trooper Darryl Haywood Highway designated; Department of Transportation to erect suitable markers.—*

(1) *That portion of Interstate Highway 4 in the vicinity of mile marker 123 in Volusia County is designated as "Trooper Darryl Haywood Highway."*

(2) *The Department of Transportation is directed to erect suitable markers designating Trooper Darryl Haywood Highway as described in subsection (1).*

Section 23. *David Hinson Parkway designated; Department of Transportation to erect suitable markers.—*

(1) *That portion of Nova Road in Volusia County between International Speedway Boulevard to George W. Ingram Boulevard is designated as the "David Hinson Parkway."*

(2) *The Department of Transportation is directed to erect suitable markers designating the David Hinson Parkway as described in subsection (1).*

Section 24. *Charles W. Cherry, Sr., Parkway designated; Department of Transportation to erect suitable markers.—*

(1) *That portion of International Speedway Boulevard between Nova Road and Beach Street in Volusia County is designated as "Charles W. Cherry, Sr., Parkway."*

(2) *The Department of Transportation is directed to erect suitable markers designating Charles W. Cherry, Sr., Parkway as described in subsection (1).*

Section 25. *Taye Brown Parkway designated; Department of Transportation to erect suitable markers.—*

(1) *That portion of New Kings Road (U.S. 1) in Duval County between the 2400 block and the 3700 block is designated as "Taye Brown Parkway."*

(2) *The Department of Transportation is directed to erect suitable markers designating Taye Brown Parkway as described in subsection (1).*

Section 26. *Charles B. Dailey Parkway designated; Department of Transportation to erect suitable markers.—*

(1) *That portion of the Haines Street Expressway between Jessie Street and Eighth Street in Duval County is designated as "Charles B. Dailey Parkway."*

(2) *The Department of Transportation is directed to erect suitable markers designating Charles B. Dailey Parkway as described in subsection (1).*

Section 27. *Johnnie Mae Chappell Parkway designated; Department of Transportation to erect suitable markers.—*

(1) *That portion of U.S. Highway 1 between Finch Avenue and Redpoll Avenue in Duval County is designated as "Johnnie Mae Chappell Parkway."*

(2) *The Department of Transportation is directed to erect suitable markers designating Johnnie Mae Chappell Parkway as described in subsection (1).*

Section 28. *Dr. John M. Haile Memorial Boulevard designated; Department of Transportation to erect suitable markers.—*

(1) *That portion of East Silver Springs Boulevard, State Road 40, in the City of Ocala from East 11th Avenue to East 16th Avenue is designated as the "Dr. John M. Haile Memorial Boulevard."*

(2) *The Department of Transportation is directed to erect suitable markers designating the Dr. John M. Haile Memorial Boulevard, as directed in subsection (1).*

Section 29. *Bob Graham/Sunshine Skyway Bridge designated; Department of Transportation to erect suitable markers.—*

(1) *The Sunshine Skyway Bridge over Tampa Bay is designated as the "Bob Graham/Sunshine Skyway Bridge."*

(2) *The Department of Transportation is directed to erect suitable markers designating the Bob Graham/Sunshine Skyway Bridge as described in subsection (1).*

Section 30. *Ricardo Karakadze Street designated; Department of Transportation to erect suitable markers.—*

(1) *The portion of 104th Street between U.S. 1 and 97th Avenue is designated as the "Ricardo Karakadze Street."*

(2) *The Department of Transportation is directed to erect suitable markers designating the Ricardo Karakadze Street as described in subsection (1).*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 28, after the semicolon (;) insert: designating Eric Ulysses Ramirez Highway in Lake County; designating Trooper Darryl Haywood Highway; designating the David Hinson Parkway and the Charles W. Cherry Parkway in Volusia County; designating Taye Brown Parkway, Charles B. Dailey Parkway, and Johnnie Mae Chappell Parkway in Duval County; designating Dr. John M. Haile Memorial Boulevard in Marion County; designating Bob Graham/Sunshine Skyway Bridge in Pinellas County; designating Ricardo Karakadze Street in Miami-Dade County; directing the Department of Transportation to erect suitable markers;

MOTION

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

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

Amendment 1A (751360)(with title amendment)—On page 4, line 6, insert:

Section 31. *Ralph C. Carter Parkway designated; Department of Transportation to erect suitable markers.—*

(1) *That portion of State Park Road at the entrance to the Falling Waters State Recreational area, from Joiner Road to Falling Waters Road, in Chipley, Washington County, is designated as the “Ralph C. Carter Parkway.”*

(2) *The Department of Transportation is directed to erect suitable markers designating the Ralph C. Carter Parkway as described in subsection (1).*

Section 32. *Henry Koerber Parkway designated; Department of Transportation to erect suitable markers.—*

(1) *That portion of U.S. Highway 90, between Davis Lane and Old Airport Road, in DeFuniak Springs, Walton County, is designated as the “Henry Koerber Parkway.”*

(2) *The Department of Transportation is directed to erect suitable markers designating the Henry Koerber Parkway as described in subsection (1).*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 27, after the semicolon (;) insert: Bridge in Pinellas County; designating Ricardo Karakadze Street in Miami-Dade County; designating the Ralph C. Carter Parkway in Washington County; and designating the Henry Koerber Parkway in Walton County;

MOTION

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

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

Amendment 1B (631412)(with title amendment)—On page 4, line 6, insert:

Section 31. *Fred N. Dunn, Sr. Highway designated; Department of Transportation to erect suitable markers.—*

(1) *The portion of U.S. Highway 441 between Plymouth Sorrento Road and State Road 436 in Orange County is designated as the “Fred N. Dunn, Sr. Highway.”*

(2) *The Department of Transportation is directed to erect suitable markers designating the Fred N. Dunn, Sr. Highway as described in subsection (1).*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 27, after the semicolon (;) insert: and designating Fred N. Dunn, Sr. Highway in Orange County; directing the Department of Transportation to erect suitable markers;

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **HB 385** as amended was placed on the calendar of Bills on Third Reading.

Consideration of **SB 574** was deferred.

THE PRESIDENT PRESIDING

On motion by Senator Jones—

SB 670—A bill to be entitled An act relating to community colleges; amending s. 1009.23, F.S.; revising provisions relating to the fee for capital improvements, technology enhancements, or equipping student buildings and the use thereof; providing requirements for the issuance and validation of bonds; revising provisions relating to the allocation for child care centers; amending s. 1011.83, F.S.; providing for funding a community college authorized to grant baccalaureate degrees; providing an effective date.

—was read the second time by title.

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

Amendment 1 (045150)(with title amendment)—On page 3, line 21 through page 4, line 19, delete section 2 and redesignate subsequent sections.

And the title is amended as follows:

On page 1, lines 9-11, delete those lines and insert: care centers;

Pursuant to Rule 4.19, **SB 670** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Constantine—

CS for CS for SB 626—A bill to be entitled An act relating to environmental health; creating s. 381.0069, F.S.; providing for the regulation of portable restroom contracting; providing definitions; requiring a portable restroom contractor to apply for registration with the Department of Health; providing requirements for registration, including an examination; providing for administration; providing rulemaking authority; providing for renewal of registration, including continuing education; providing for authorization of business entities providing portable restroom contracting services under a fictitious name; providing grounds for suspension or revocation of registration or authorization; providing fees; providing penalties and prohibitions; amending s. 381.0061, F.S.; authorizing imposition of an administrative fine for violating portable restroom contracting requirements; amending s. 381.0065, F.S.; specifying the department’s powers and duties with respect to regulating portable restroom facilities and the individuals or businesses that provide and service such facilities; authorizing the department to enter the business premises of any portable restroom contractor to determine compliance and for the purpose of enforcement; authorizing issuance of a citation for a violation of portable restroom contracting requirements which may contain an order of correction or a fine; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 626** was placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano—

CS for SB 316—A bill to be entitled An act relating to the Criminal Punishment Code; amending s. 921.0022, F.S.; including offenses involving the possession of photographic material containing sexual conduct by a minor, the transmission of pornography by electronic device, and the transmission to a minor of material harmful to minors by electronic device within the offense severity ranking chart of the Criminal Punishment Code; reclassifying within the offense severity ranking chart the offense of soliciting a child by a computer service to commit an unlawful sexual act, which is a felony of the third degree, to increase the penalty imposed for that offense; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 316** to **HB 411**.

Pending further consideration of **CS for SB 316** as amended, on motion by Senator Fasano, by two-thirds vote **HB 411** was withdrawn from the Committees on Criminal Justice; and Justice Appropriations.

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

HB 411—A bill to be entitled An act relating to the Criminal Punishment Code; amending s. 921.0022, F.S.; including offenses involving the possession of photographic material containing sexual conduct by a minor, the transmission of pornography by electronic device, and the transmission to a minor of material harmful to minors by electronic device within the offense severity ranking chart of the Criminal Punishment Code; reclassifying within the offense severity ranking chart the offense of soliciting a child by a computer service to commit an unlawful sexual act, which is a felony of the third degree, to increase the penalty imposed for that offense; providing an effective date.

—a companion measure, was substituted for **CS for SB 316** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 411** was placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano—

CS for SB 1722—A bill to be entitled An act relating to multiservice senior centers; creating s. 430.901, F.S.; providing a definition and purposes of a “multiservice senior center”; renumbering and amending s. 430.206, F.S.; providing for certain accreditation; amending s. 430.203, F.S.; repealing a definition of “multiservice senior center,” to conform; amending s. 430.205, F.S.; providing that activities of a community care service area may be directed from a multiservice senior center as defined in s. 430.901, F.S.; repealing s. 430.041, F.S., relating to the Office of Long-Term-Care Policy; providing an effective date.

—was read the second time by title.

Senator Fasano moved the following amendment which was adopted:

Amendment 1 (715444)(with title amendment)—On page 4, lines 4 and 5, delete section 5 and renumber subsequent sections.

And the title is amended as follows:

On page 1, lines 13-15, delete those lines and insert: 430.901, F.S.; providing an effective date.

Pursuant to Rule 4.19, **CS for SB 1722** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano—

CS for CS for SB 328—A bill to be entitled An act relating to automated external defibrillators in law enforcement vehicles; providing legislative findings and intent; providing definitions; requiring the Department of Law Enforcement to administer a grant program to fund the placement of automated external defibrillators in law enforcement vehicles; limiting the amount of such grants to amounts specifically appropriated; providing for administrative costs; requiring a law enforcement agency to provide matching funds when making a grant request; providing an exception; providing for priority consideration for certain applications; requiring the department to adopt rules; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 328** was placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano—

SB 252—A bill to be entitled An act relating to Florida Retirement System benefits; amending s. 121.182, F.S.; authorizing municipalities to purchase annuities for municipal personnel in the same manner as counties may for county personnel; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 252** was placed on the calendar of Bills on Third Reading.

The Senate resumed consideration of—

CS for CS for SB 1216—A bill to be entitled An act relating to high-risk offenders; providing a short title; amending s. 775.21, F.S.; extending the period for a petition to remove a sexual predator designation; requiring the Department of Law Enforcement to develop procedures for twice yearly reporting by sexual predators; providing that it is a criminal offense to fail to report or to provide false information about a sexual predator or to harbor or hide a sexual predator; amending s. 775.082, F.S.; providing for specified sentencing of persons convicted of the life felony offense in s. 800.04(5)(b), F.S.; amending s. 800.04, F.S.; providing that it is a life felony for an offender 18 years of age or older to commit lewd or lascivious molestation against a victim younger than 12 years of age; amending s. 921.0022, F.S.; deleting ranking for offenses involving sexual predators and sexual offenders failing to comply with registration requirements; ranking offenses involving sexual predators and sexual offenders failing to comply with registration requirements and other requirements; ranking new criminal offenses for failing to report or providing false information about a sexual predator and harboring or hiding a sexual predator; correcting a reference to the felony degree of a lewd or lascivious offense; amending s. 921.141, F.S.; providing an additional aggravating circumstance pertaining to sexual predators for the purpose of imposing the death penalty; amending s. 943.043, F.S.; requiring the Department of Law Enforcement to provide to local law enforcement agencies information on sexual predators and sexual offenders who fail to respond to address verification attempts or abscond from registration; amending s. 943.0435, F.S.; providing that it is a criminal offense to fail to report or to provide false information about a sexual offender or to harbor or hide a sexual offender; requiring the department to develop procedures for twice yearly reporting of sexual offenders; creating s. 943.04352, F.S.; requiring a search of the sexual offender and sexual predator registry by entities providing probation services; amending s. 944.607, F.S.; providing that it is a criminal offense to fail to report or to provide false information about a sexual offender or to harbor or hide a sexual offender; requiring the Department of Law Enforcement to develop procedures for twice yearly reporting of sexual offenders; amending s. 947.1405, F.S.; requiring electronic monitoring for certain offenders placed on conditional release supervision; amending s. 948.012, F.S.; requiring the court to impose a split sentence in certain circumstances; creating s. 948.061, F.S.; requiring the Department of Corrections to develop a risk assessment system to monitor certain offenders placed on probation or community control; requiring increased supervision of such offenders under certain circumstances; requiring that information be provided to the court by the correctional probation officer; requiring the court to assist the department by creating and maintaining an automated system; requiring the department to have fingerprint reading equipment and capability by October 1, 2006; creating s. 948.062, F.S.; requiring the Department of Corrections to review the circumstances of certain arrests of offenders on probation or community control; requiring the Office of Program Policy Analysis and Government Accountability to analyze the reviews and report to the President of the Senate and the Speaker of the House of Representatives; creating s. 948.063, F.S.; requiring the court to order electronic monitoring for designated sexual offenders and predators who violate probation or community control; amending s. 948.11, F.S.; requiring the department to develop and implement procedures to notify certain officials on the availability of electronic monitoring units; requiring the department to use certain electronic monitoring systems on high-risk offenders; amending s. 948.15, F.S.; specifying that the terms of the contract must contain procedures for accessing criminal history records concerning probationers; amending s. 948.30, F.S.; requiring certain sex offenders and sexual predators on probation or community control to be placed on electronic monitoring; creating a task force within the Department of Law Enforcement; requiring the task force to examine the collection and dissemination of offender information within the criminal justice system and community; prescribing task force membership; requiring that the task force submit findings and recommendations to the Governor and the Legislature; requiring cooperation by state agencies; providing for abolishing the task force on a specified date; requiring the Office of Program Policy Analysis and Governmental Accountability to perform a study of and report to the Legislature on the effectiveness of Florida's sexual predator and sexual offender registries and community and public notification provisions; providing appropriations and authorizing positions; providing an effective date.

—which was previously considered and amended this day.

MOTION

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

Senator Villalobos moved the following amendment which was adopted:

Amendment 20 (271396)—On page 45, line 8, after “shall” insert: , every 3 years,

Pending further consideration of **CS for CS for SB 1216** as amended, on motion by Senator Argenziano, by two-thirds vote **HB 1877** was withdrawn from the Committees on Criminal Justice; Judiciary; Justice Appropriations; Ways and Means; and Rules and Calendar.

On motion by Senator Argenziano, the rules were waived and by two-thirds vote—

HB 1877—A bill to be entitled An act relating to sexual predators and sexual offenders; providing a popular name; amending s. 216.136, F.S.; assigning an additional responsibility to the Criminal Justice Estimating Conference; amending s. 775.082, F.S.; providing for specified sentencing of persons convicted of the life felony offense in s. 800.04(5)(b), F.S.; creating s. 775.0821, F.S.; creating a felony offense for removing, altering, or failing to maintain an electronic monitoring device for the purpose of committing a crime; providing criminal penalties; amending s. 775.21, F.S.; revising criteria for sexual predator designation; requiring certain notification of sentence; providing for electronic monitoring; extending period for petition to remove sexual predator designation; creating s. 775.235, F.S.; prohibiting the harboring of a sexual predator or sexual offender; providing criminal penalties; amending s. 800.04, F.S.; providing that it is a life felony for an offender 18 years of age or older to commit lewd or lascivious molestation against a victim younger than 12 years of age; amending s. 921.0022, F.S.; revising ranking for certain offenses involving sexual predators and sexual offenders failing to comply with registration requirements; ranking offenses involving sexual predators and sexual offenders failing to comply with registration and other requirements; amending s. 921.141, F.S.; creating an aggravating circumstance pertaining to sexual predators for purposes of imposing the death penalty; amending s. 943.043, F.S.; requiring the Department of Corrections to share information with local law enforcement agencies to assist in determining the potential whereabouts of registered sexual predators and sexual offenders; amending s. 943.0435, F.S.; revising provisions relating to sexual offender registration; creating s. 943.04352, F.S.; requiring a search of the sexual offender and sexual predator registry by entities providing probation services; amending s. 944.606, F.S.; requiring the Department of Corrections to provide information regarding electronic monitoring to the Department of Law Enforcement; amending s. 944.607, F.S.; requiring sexual offenders sentenced to electronic monitoring to provide such information to the Department of Corrections and for such department to provide that information to the Department of Law Enforcement; amending s. 947.1405, F.S.; requiring sexual offenders and sexual predators on conditional release to be placed on electronic monitoring; requiring the Parole Commission to order sexual offenders and sexual predators on conditional release to be returned to prison until expiration of sentence for any material violation of supervision; creating s. 947.1406, F.S.; providing requirements for electronic monitoring of sexual offenders and sexual predators on conditional release; amending s. 948.06, F.S.; requiring electronic monitoring for any violation of probation or community control supervision by certain offenders and sexual predators; creating s. 948.061, F.S.; requiring the Department of Corrections to develop a risk assessment and alert system to monitor certain offenders placed on probation or community control; authorizing the department to adopt rules; requiring the department to have fingerprint-reading equipment and capability by a specified date; amending s. 948.11, F.S.; providing requirements for electronic monitoring of sexual offenders and sexual predators on community control or probation; amending s. 948.30, F.S.; requiring sexual offenders and sexual predators on community control or probation to be placed on electronic monitoring; requiring a study by the Office of Program Policy Analysis and Governmental Accountability of the effectiveness of Florida’s sexual predator and sexual offender registration process and community and public notification provisions; providing for severability; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1216** as amended and by two-thirds vote read the second time by title.

Senator Argenziano moved the following amendment:

Amendment 1 (244374)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *This act may be cited as the “Jessica Lunsford Act.”*

Section 2. Paragraph (a) of subsection (5) of section 216.136, Florida Statutes, is amended to read:

216.136 Consensus estimating conferences; duties and principals.—

(5) CRIMINAL JUSTICE ESTIMATING CONFERENCE.—

(a) Duties.—The Criminal Justice Estimating Conference shall:

1. Develop such official information relating to the criminal justice system, including forecasts of prison admissions and population and of supervised felony offender admissions and population, as the conference determines is needed for the state planning and budgeting system.

2. Develop such official information relating to the number of eligible discharges and the projected number of civil commitments for determining space needs pursuant to the civil proceedings provided under part V of chapter 394.

3. *Develop official information relating to the number of sexual offenders and sexual predators who are required by law to be placed on community control, probation, or conditional release who are subject to electronic monitoring. In addition, the Office of Economic and Demographic Research shall study the factors relating to the sentencing of sex offenders from the point of arrest through the imposition of sanctions by the sentencing court, including original charges, plea negotiations, trial dispositions, and sanctions. The Department of Corrections, the Office of the State Courts Administrator, the Florida Department of Law Enforcement, and the State Attorneys shall provide information deemed necessary for the study. The final report shall be provided to the President of the Senate and Speaker of the House by March 1, 2006.*

Section 3. Paragraph (b) of subsection (4), paragraph (l) of subsection (6), subsection (8), and subsection (10) of section 775.21, Florida Statutes, are amended to read:

775.21 The Florida Sexual Predators Act.—

(4) SEXUAL PREDATOR CRITERIA.—

(b) In order to be counted as a prior felony for purposes of this subsection, the felony must have resulted in a conviction sentenced separately, or an adjudication of delinquency entered separately, prior to the current offense and sentenced or adjudicated separately from any other felony conviction that is to be counted as a prior felony. ~~If the offender’s prior enumerated felony was committed more than 10 years before the primary offense, it shall not be considered a prior felony under this subsection if the offender has not been convicted of any other crime for a period of 10 consecutive years from the most recent date of release from confinement, supervision, or sanction, whichever is later.~~

(6) REGISTRATION.—

(l) A sexual predator must maintain registration with the department for the duration of his or her life, unless the sexual predator has received a full pardon or has had a conviction set aside in a postconviction proceeding for any offense that met the criteria for the sexual predator designation. However, a sexual predator who was designated as a sexual predator by a court before October 1, 1998, and who has been lawfully released from confinement, supervision, or sanction, whichever is later, for at least 10 years and has not been arrested for any felony or misdemeanor offense since release, may petition the criminal division of the circuit court in the circuit in which the sexual predator resides for the purpose of removing the sexual predator designation. A sexual predator who was designated a sexual predator by a court on or after October 1, 1998, who has been lawfully released from confinement, supervision, or sanction, whichever is later, for at least 20 years, and who has not been arrested for any felony or misdemeanor offense since release may petition the criminal division of the circuit court in the circuit in which the sexual predator resides for the purpose of removing the sexual predator designation. *A sexual predator who was designated as a sexual predator by a court on or after September 1, 2005, who has been lawfully*

released from confinement, supervision, or sanction, whichever is later, for at least 30 years, and who has not been arrested for any felony or misdemeanor offense since release may petition the criminal division of the circuit court in the circuit in which the sexual predator resides for the purpose of removing the sexual predator designation. The court may grant or deny such relief if the petitioner demonstrates to the court that he or she has not been arrested for any crime since release, the requested relief complies with the provisions of the federal Jacob Wetterling Act, as amended, and any other federal standards applicable to the removal of the designation as a sexual predator or required to be met as a condition for the receipt of federal funds by the state, and the court is otherwise satisfied that the petitioner is not a current or potential threat to public safety. The state attorney in the circuit in which the petition is filed must be given notice of the petition at least 3 weeks before the hearing on the matter. The state attorney may present evidence in opposition to the requested relief or may otherwise demonstrate the reasons why the petition should be denied. If the court denies the petition, the court may set a future date at which the sexual predator may again petition the court for relief, subject to the standards for relief provided in this paragraph. Unless specified in the order, a sexual predator who is granted relief under this paragraph must comply with the requirements for registration as a sexual offender and other requirements provided under s. 943.0435 or s. 944.607. If a petitioner obtains an order from the court that imposed the order designating the petitioner as a sexual predator which removes such designation, the petitioner shall forward a certified copy of the written findings or order to the department in order to have the sexual predator designation removed from the sexual predator registry.

The sheriff shall promptly provide to the department the information received from the sexual predator.

(8) VERIFICATION.—The department and the Department of Corrections shall implement a system for verifying the addresses of sexual predators. The system must be consistent with the provisions of the federal Jacob Wetterling Act, as amended, and any other federal standards applicable to such verification or required to be met as a condition for the receipt of federal funds by the state. The Department of Corrections shall verify the addresses of sexual predators who are not incarcerated but who reside in the community under the supervision of the Department of Corrections. County and local law enforcement agencies, in conjunction with the department, shall verify the addresses of sexual predators who are not under the care, custody, control, or supervision of the Department of Corrections.

(a) A sexual predator must report in person each year during the month of the sexual predator's birthday and during the sixth month following the sexual predator's birth month to the sheriff's office in the county in which he or she resides or is otherwise located to reregister. The sheriff's office may determine the appropriate times and days for reporting by the sexual predator, which shall be consistent with the reporting requirements of this paragraph. Reregistration shall include any changes to the following information:

1. Name; social security number; age; race; sex; date of birth; height; weight; hair and eye color; address of any permanent residence and address of any current temporary residence, within the state or out of state, including a rural route address and a post office box; date and place of any employment; vehicle make, model, color, and license tag number; fingerprints; and photograph. A post office box shall not be provided in lieu of a physical residential address.

2. If the sexual predator is enrolled, employed, or carrying on a vocation at an institution of higher education in this state, the sexual predator shall also provide to the department the name, address, and county of each institution, including each campus attended, and the sexual predator's enrollment or employment status.

3. If the sexual predator's place of residence is a motor vehicle, trailer, mobile home, or manufactured home, as defined in chapter 320, the sexual predator shall also provide vehicle identification number; the license tag number; the registration number; and a description, including color scheme, of the motor vehicle, trailer, mobile home, or manufactured home. If the sexual predator's place of residence is a vessel, live-aboard vessel, or houseboat, as defined in chapter 327, the sexual predator shall also provide the hull identification number; the manufacturer's serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number; and a description, including color scheme, of the vessel, live-aboard vessel, or houseboat.

(b) The sheriff's office shall, within 2 working days, electronically submit and update all information provided by the sexual predator to the department in a manner prescribed by the department. This procedure shall be implemented by December 1, 2005.

(10) PENALTIES.—

(a) Except as otherwise specifically provided, a sexual predator who fails to register; who fails, after registration, to maintain, acquire, or renew a driver's license or identification card; who fails to provide required location information or change-of-name information; who fails to make a required report in connection with vacating a permanent residence; who fails to reregister as required; who fails to respond to any address verification correspondence from the department within three weeks of the date of the correspondence; or who otherwise fails, by act or omission, to comply with the requirements of this section, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) A sexual predator who has been convicted of or found to have committed, or has pled nolo contendere or guilty to, regardless of adjudication, any violation, or attempted violation, of s. 787.01, s. 787.02, or s. 787.025, where the victim is a minor and the defendant is not the victim's parent; s. 794.011(2), (3), (4), (5), or (8); s. 794.05; s. 796.03; s. 800.04; s. 827.071; s. 847.0133; or s. 847.0145, or a violation of a similar law of another jurisdiction, when the victim of the offense was a minor, and who works, whether for compensation or as a volunteer, at any business, school, day care center, park, playground, or other place where children regularly congregate, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) Any person who misuses public records information relating to a sexual predator, as defined in this section, or a sexual offender, as defined in s. 943.0435 or s. 944.607, to secure a payment from such a predator or offender; who knowingly distributes or publishes false information relating to such a predator or offender which the person misrepresents as being public records information; or who materially alters public records information with the intent to misrepresent the information, including documents, summaries of public records information provided by law enforcement agencies, or public records information displayed by law enforcement agencies on websites or provided through other means of communication, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(d) A sexual predator who commits any act or omission in violation of this section may be prosecuted for the act or omission in the county in which the act or omission was committed, the county of the last registered address of the sexual predator, or the county in which the conviction occurred for the offense or offenses that meet the criteria for designating a person as a sexual predator. In addition, a sexual predator may be prosecuted for any such act or omission in the county in which he or she was designated a sexual predator.

(e) An arrest on charges of failure to register, the service of an information or a complaint for a violation of this section, or an arraignment on charges for a violation of this section constitutes actual notice of the duty to register when the predator has been provided and advised of his or her statutory obligation to register under subsection (6). A sexual predator's failure to immediately register as required by this section following such arrest, service, or arraignment constitutes grounds for a subsequent charge of failure to register. A sexual predator charged with the crime of failure to register who asserts, or intends to assert, a lack of notice of the duty to register as a defense to a charge of failure to register shall immediately register as required by this section. A sexual predator who is charged with a subsequent failure to register may not assert the defense of a lack of notice of the duty to register.

(f) Registration following such arrest, service, or arraignment is not a defense and does not relieve the sexual predator of criminal liability for the failure to register.

(g) Any person who has reason to believe that a sexual predator is not complying, or has not complied, with the requirements of this section and who, with the intent to assist the sexual predator in eluding a law enforcement agency that is seeking to find the sexual predator to question the sexual predator about, or to arrest the sexual predator for, his or her noncompliance with the requirements of this section:

1. Withholds information from, or does not notify, the law enforcement agency about the sexual predator's noncompliance with the requirements of this section, and, if known, the whereabouts of the sexual predator;

2. Harbors, or attempts to harbor, or assists another person in harboring or attempting to harbor, the sexual predator;

3. Conceals or attempts to conceal, or assists another person in concealing or attempting to conceal, the sexual predator; or

4. Provides information to the law enforcement agency regarding the sexual predator which the person knows to be false information,

commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. This paragraph does not apply if the sexual predator is incarcerated in or is in the custody of a state correctional facility, a private correctional facility, a local jail, or a federal correctional facility.

Section 4. Paragraph (a) of subsection (3) of section 775.082, Florida Statutes, is amended to read:

775.082 Penalties; applicability of sentencing structures; mandatory minimum sentences for certain reoffenders previously released from prison.—

(3) A person who has been convicted of any other designated felony may be punished as follows:

(a)1. For a life felony committed prior to October 1, 1983, by a term of imprisonment for life or for a term of years not less than 30.

2. For a life felony committed on or after October 1, 1983, by a term of imprisonment for life or by a term of imprisonment not exceeding 40 years.

3. Except as provided in subparagraph 4., for a life felony committed on or after July 1, 1995, by a term of imprisonment for life or by imprisonment for a term of years not exceeding life imprisonment.

4. For a life felony committed on or after September 1, 2005, which is a violation of s. 800.04(5)(b), by:

a. A term of imprisonment for life; or

b. A split sentence that is a term of not less than 25 years imprisonment and not exceeding life imprisonment, followed by probation or community control for the remainder of the person's natural life, as provided in s. 948.012(4).

Section 5. Paragraph (b) of subsection (5) of section 800.04, Florida Statutes, is amended to read:

800.04 Lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age.—

(5) LEWD OR LASCIVIOUS MOLESTATION.—

(b) An offender 18 years of age or older who commits lewd or lascivious molestation against a victim less than 12 years of age commits a life felony of the first degree, punishable as provided in s. 775.082(3)(a)4. s. 775.082, s. 775.083, or s. 775.084.

Section 6. Paragraphs (f), (g), and (i) of subsection (3) of section 921.0022, Florida Statutes, are amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(f) LEVEL 6
316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
499.0051(3)	2nd	Forgery of pedigree papers.

Florida Statute	Felony Degree	Description
499.0051(4)	2nd	Purchase or receipt of legend drug from unauthorized person.
499.0051(5)	2nd	Sale of legend drug to unauthorized person.
775.0875(1)	3rd	Taking firearm from law enforcement officer.
775.21(10)	3rd	Sexual predators; failure to register; failure to renew driver's license or identification card.
784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.
784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.
784.041	3rd	Felony battery.
784.048(3)	3rd	Aggravated stalking; credible threat.
784.048(5)	3rd	Aggravated stalking of person under 16.
784.07(2)(c)	2nd	Aggravated assault on law enforcement officer.
784.074(1)(b)	2nd	Aggravated assault on sexually violent predators facility staff.
784.08(2)(b)	2nd	Aggravated assault on a person 65 years of age or older.
784.081(2)	2nd	Aggravated assault on specified official or employee.
784.082(2)	2nd	Aggravated assault by detained person on visitor or other detainee.
784.083(2)	2nd	Aggravated assault on code inspector.
787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
790.115(2)(d)	2nd	Discharging firearm or weapon on school property.
790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
790.164(1)	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.
790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
794.05(1)	2nd	Unlawful sexual activity with specified minor.
800.04(5)(d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender less than 18 years.
800.04(6)(b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
812.014(2)(b)1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
812.015(9)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.	402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfigurement, permanent disability, or death.
812.13(2)(c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).			
817.034(4)(a)1.	1st	Communications fraud, value greater than \$50,000.	409.920(2)	3rd	Medicaid provider fraud.
817.4821(5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.	456.065(2)	3rd	Practicing a health care profession without a license.
825.102(1)	3rd	Abuse of an elderly person or disabled adult.	456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.	458.327(1)	3rd	Practicing medicine without a license.
825.1025(3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.	459.013(1)	3rd	Practicing osteopathic medicine without a license.
825.103(2)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$20,000.	460.411(1)	3rd	Practicing chiropractic medicine without a license.
827.03(1)	3rd	Abuse of a child.	461.012(1)	3rd	Practicing podiatric medicine without a license.
827.03(3)(c)	3rd	Neglect of a child.	462.17	3rd	Practicing naturopathy without a license.
827.071(2)&(3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.	463.015(1)	3rd	Practicing optometry without a license.
836.05	2nd	Threats; extortion.	464.016(1)	3rd	Practicing nursing without a license.
836.10	2nd	Written threats to kill or do bodily injury.	465.015(2)	3rd	Practicing pharmacy without a license.
843.12	3rd	Aids or assists person to escape.	466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.	467.201	3rd	Practicing midwifery without a license.
914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.	468.366	3rd	Delivering respiratory care services without a license.
943.0435(9)	3rd	Sex offenders; failure to comply with reporting requirements.	483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
944.35(3)(a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.	483.901(9)	3rd	Practicing medical physics without a license.
944.40	2nd	Escapes.	484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
944.46	3rd	Harboring, concealing, aiding escaped prisoners.	484.053	3rd	Dispensing hearing aids without a license.
944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.	494.0018(2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
951.22(1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.	560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by money transmitter.
		(g) LEVEL 7	560.125(5)(a)	3rd	Money transmitter business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
316.027(1)(b)	2nd	Accident involving death, failure to stop; leaving scene.	655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.	775.21(10)(a)	3rd	Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.
316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.	775.21(10)(b)	3rd	Sexual predator working where children regularly congregate.
327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.			

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
775.21(10)(g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.	800.04(5)(c)2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.
782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.	806.01(2)	2nd	Maliciously damage structure by fire or explosive.
782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).	810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
782.071	2nd	Killing of human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).	810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).	810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.	812.014(2)(a)1.	1st	Property stolen, valued at \$100,000 or more; property stolen while causing other property damage; 1st degree grand theft.
784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.	812.014(2)(b)2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.	812.014(2)(b)3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.	812.0145(2)(a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
784.048(7)	3rd	Aggravated stalking; violation of court order.	812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
784.07(2)(d)	1st	Aggravated battery on law enforcement officer.	812.131(2)(a)	2nd	Robbery by sudden snatching.
784.074(1)(a)	1st	Aggravated battery on sexually violent predators facility staff.	812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.	817.234(8)(a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
784.081(1)	1st	Aggravated battery on specified official or employee.	817.234(9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.	817.234(11)(c)	1st	Insurance fraud; property value \$100,000 or more.
784.083(1)	1st	Aggravated battery on code inspector.	817.2341(2)(b)&(3)(b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).	825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
790.16(1)	1st	Discharge of a machine gun under specified circumstances.	825.103(2)(b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.
790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.	827.03(3)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.	827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.	837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.	838.015	2nd	Bribery.
796.03	2nd	Procuring any person under 16 years for prostitution.	838.016	2nd	Unlawful compensation or reward for official behavior.
800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.	838.021(3)(a)	2nd	Unlawful harm to a public servant.
			838.22	2nd	Bid tampering.

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
872.06	2nd	Abuse of a dead human body.	943.0435(9)(a)	3rd	Sexual offender; failure to comply with reporting requirements.
893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.	943.0435(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
893.13(1)(e)1.	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., within 1,000 feet of property used for religious services or a specified business site.	943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
			944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.
			944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
			944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
893.13(4)(a)	1st	Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.			(i) LEVEL 9
893.135(1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.	316.193(3)(c)3.b.	1st	DUI manslaughter; failing to render aid or give information.
893.135(1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.	327.35(3)(c)3.b.	1st	BUI manslaughter; failing to render aid or give information.
893.135(1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.	499.0053	1st	Sale or purchase of contraband legend drugs resulting in great bodily harm.
893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.	560.123(8)(b)3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.	560.125(5)(c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
893.135(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.	655.50(10)(b)3.	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
893.135(1)(h)1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.	775.0844	1st	Aggravated white collar crime.
			782.04(1)	1st	Attempt, conspire, or solicit to commit premeditated murder.
			782.04(3)	1st, PBL	Accomplice to murder in connection with arson, sexual battery, robbery, burglary, and other specified felonies.
893.135(1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.	782.051(1)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3).
893.135(1)(k)2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.	782.07(2)	1st	Aggravated manslaughter of an elderly person or disabled adult.
896.101(5)(a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.	787.01(1)(a)1.	1st, PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.
896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.	787.01(1)(a)2.	1st, PBL	Kidnapping with intent to commit or facilitate commission of any felony.
			787.01(1)(a)4.	1st, PBL	Kidnapping with intent to interfere with performance of any governmental or political function.
943.0435(4)(c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.	787.02(3)(a)	1st	False imprisonment; child under age 13; perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.
943.0435(8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.			

Florida Statute	Felony Degree	Description
790.161	1st	Attempted capital destructive device offense.
790.166(2)	1st, PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.
794.011(2)	1st	Attempted sexual battery; victim less than 12 years of age.
794.011(2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
794.011(4)	1st	Sexual battery; victim 12 years or older, certain circumstances.
794.011(8)(b)	1st	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
800.04(5)(b)	Life 1st	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
812.13(2)(a)	1st, PBL	Robbery with firearm or other deadly weapon.
812.133(2)(a)	1st, PBL	Carjacking; firearm or other deadly weapon.
812.135(2)(b)	1st	Home-invasion robbery with weapon.
817.568(7)	2nd, PBL	Fraudulent use of personal identification information of an individual under the age of 18 by his or her parent, legal guardian, or person exercising custodial authority.
827.03(2)	1st	Aggravated child abuse.
847.0145(1)	1st	Selling, or otherwise transferring custody or control, of a minor.
847.0145(2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
859.01	1st	Poisoning or introducing bacteria, radioactive materials, viruses, or chemical compounds into food, drink, medicine, or water with intent to kill or injure another person.
893.135	1st	Attempted capital trafficking offense.
893.135(1)(a)3.	1st	Trafficking in cannabis, more than 10,000 lbs.
893.135 (1)(b)1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
893.135 (1)(c)1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
893.135 (1)(d)1.c.	1st	Trafficking in phencyclidine, more than 400 grams.
893.135 (1)(e)1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.
893.135 (1)(f)1.c.	1st	Trafficking in amphetamine, more than 200 grams.
893.135 (1)(h)1.c.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.

Florida Statute	Felony Degree	Description
893.135 (1)(j)1.c.	1st	Trafficking in 1,4-Butanediol, 10 kilograms or more.
893.135 (1)(k)2.c.	1st	Trafficking in Phenethylamines, 400 grams or more.
896.101(5)(c)	1st	Money laundering, financial instruments totaling or exceeding \$100,000.
896.104(4)(a)3.	1st	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$100,000.

Section 7. Paragraph (o) is added to subsection (5) of section 921.141, Florida Statutes, to read:

921.141 Sentence of death or life imprisonment for capital felonies; further proceedings to determine sentence.—

(5) AGGRAVATING CIRCUMSTANCES.—Aggravating circumstances shall be limited to the following:

(o) *The capital felony was committed by a person designated as a sexual predator pursuant to s. 775.21 or a person previously designated as a sexual predator who had the sexual-predator designation removed.*

Section 8. Subsection (5) is added to section 943.043, Florida Statutes, to read:

943.043 Toll-free telephone number; Internet notification; sexual predator and sexual offender information.—

(5) *In an effort to ensure that sexual predators and sexual offenders who fail to respond to address-verification attempts or who otherwise abscond from registration are located in a timely manner, the department shall share information with local law enforcement agencies. The department shall use analytical resources to assist local law enforcement agencies to determine the potential whereabouts of any sexual predator or sexual offender who fails to respond to address-verification attempts or who otherwise absconds from registration. The department shall review and analyze all available information concerning any such predator or offender who fails to respond to address-verification attempts or who otherwise absconds from registration and provide the information to local law enforcement agencies in order to assist the agencies in locating and apprehending the sexual predator or sexual offender.*

Section 9. Subsections (13) and (14) are added to section 943.0435, Florida Statutes, to read:

943.0435 Sexual offenders required to register with the department; penalty.—

(13) *Any person who has reason to believe that a sexual offender is not complying, or has not complied, with the requirements of this section and who, with the intent to assist the sexual offender in eluding a law enforcement agency that is seeking to find the sexual offender to question the sexual offender about, or to arrest the sexual offender for, his or her noncompliance with the requirements of this section:*

1. *Withholds information from, or does not notify, the law enforcement agency about the sexual offender's noncompliance with the requirements of this section, and, if known, the whereabouts of the sexual offender;*
2. *Harbors, or attempts to harbor, or assists another person in harboring or attempting to harbor, the sexual offender; or*
3. *Conceals or attempts to conceal, or assists another person in concealing or attempting to conceal, the sexual offender; or*
4. *Provides information to the law enforcement agency regarding the sexual offender that the person knows to be false information,*

commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(14)(a) A sexual offender must report in person each year during the month of the sexual offender's birthday and during the sixth month following the sexual offender's birth month to the sheriff's office in the county in which he or she resides or is otherwise located to reregister. The sheriff's office may determine the appropriate times and days for reporting by the sexual offender, which shall be consistent with the reporting requirements of this paragraph. Reregistration shall include any changes to the following information:

1. Name; social security number; age; race; sex; date of birth; height; weight; hair and eye color; address of any permanent residence and address of any current temporary residence, within the state or out of state, including a rural route address and a post office box; date and place of any employment; vehicle make, model, color, and license tag number; fingerprints; and photograph. A post office box shall not be provided in lieu of a physical residential address.

2. If the sexual offender is enrolled, employed, or carrying on a vocation at an institution of higher education in this state, the sexual offender shall also provide to the department the name, address, and county of each institution, including each campus attended, and the sexual offender's enrollment or employment status.

3. If the sexual offender's place of residence is a motor vehicle, trailer, mobile home, or manufactured home, as defined in chapter 320, the sexual offender shall also provide vehicle identification number; the license tag number; the registration number; and a description, including color scheme, of the motor vehicle, trailer, mobile home, or manufactured home. If the sexual offender's place of residence is a vessel, live-aboard vessel, or houseboat, as defined in chapter 327, the sexual offender shall also provide the hull identification number; the manufacturer's serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number; and a description, including color scheme, of the vessel, live-aboard vessel or houseboat.

4. Any sexual offender who fails to report in person as required at the sheriff's office, or who fails to respond to any address verification correspondence from the department within three weeks of the date of the correspondence, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) The sheriff's office shall, within 2 working days, electronically submit and update all information provided by the sexual offender to the department in a manner prescribed by the department. This procedure shall be implemented by December 1, 2005.

Section 10. Section 943.04352, Florida Statutes, is created to read:

943.04352 Search of registration information regarding sexual predators and sexual offenders required when placement on misdemeanor probation.—When the court places a defendant on misdemeanor probation pursuant to ss. 948.01 and 948.15, the public or private entity providing probation services must conduct a search of the probationer's name or other identifying information against the registration information regarding sexual predators and sexual offenders maintained by the Department of Law Enforcement under s. 943.043. The probation services provider may conduct the search using the Internet site maintained by the Department of Law Enforcement.

Section 11. Subsections (12) and (13) are added to section 944.607, Florida Statutes, to read:

944.607 Notification to Department of Law Enforcement of information on sexual offenders.—

(12) Any person who has reason to believe that a sexual offender is not complying, or has not complied, with the requirements of this section and who, with the intent to assist the sexual offender in eluding a law enforcement agency that is seeking to find the sexual offender to question the sexual offender about, or to arrest the sexual offender for, his or her noncompliance with the requirements of this section:

1. Withholds information from, or does not notify, the law enforcement agency about the sexual offender's non-compliance with the requirements of this section, and, if known, the whereabouts of the sexual offender;

2. Harbors, or attempts to harbor, or assists another person in harboring or attempting to harbor, the sexual offender; or

3. Conceals or attempts to conceal, or assists another person in concealing or attempting to conceal, the sexual offender; or

4. Provides information to the law enforcement agency regarding the sexual offender which the person knows to be false information,

commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. This subsection does not apply if the sexual offender is incarcerated in or is in the custody of a state correctional facility, a private correctional facility, a local jail, or a federal correctional facility.

(13)(a) A sexual offender must report in person each year during the month of the sexual offender's birthday and during the sixth month following the sexual offender's birth month to the sheriff's office in the county in which he or she resides or is otherwise located to reregister. The sheriff's office may determine the appropriate times and days for reporting by the sexual offender, which shall be consistent with the reporting requirements of this paragraph. Reregistration shall include any changes to the following information:

1. Name; social security number; age; race; sex; date of birth; height; weight; hair and eye color; address of any permanent residence and address of any current temporary residence, within the state or out of state, including a rural route address and a post office box; date and place of any employment; vehicle make, model, color, and license tag number; fingerprints; and photograph. A post office box shall not be provided in lieu of a physical residential address.

2. If the sexual offender is enrolled, employed, or carrying on a vocation at an institution of higher education in this state, the sexual offender shall also provide to the department the name, address, and county of each institution, including each campus attended, and the sexual offender's enrollment or employment status.

3. If the sexual offender's place of residence is a motor vehicle, trailer, mobile home, or manufactured home, as defined in chapter 320, the sexual offender shall also provide vehicle identification number; the license tag number; the registration number; and a description, including color scheme, of the motor vehicle, trailer, mobile home, or manufactured home. If the sexual offender's place of residence is a vessel, live-aboard vessel, or houseboat, as defined in chapter 327, the sexual offender shall also provide the hull identification number; the manufacturer's serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number; and a description, including color scheme, of the vessel, live-aboard vessel, or houseboat.

4. Any sexual offender who fails to report in person as required at the sheriff's office, or who fails to respond to any address verification correspondence from the department within three weeks of the date of the correspondence, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, and s. 775.084.

(b) The sheriff's office shall, within 2 working days, electronically submit and update all information provided by the sexual offender to the Florida Department of Law Enforcement in a manner prescribed by the Florida Department of Law Enforcement. This procedure shall be implemented by December 1, 2005.

Section 12. Subsection (10) is added to section 947.1405, Florida Statutes, to read:

947.1405 Conditional release program.—

(10) Effective for a releasee whose crime was committed on or after September 1, 2005, in violation of chapter 794, s. 800.04(4), (5), or (6), s. 827.071, or s. 847.0145, and the unlawful activity involved a victim who was 15 years of age or younger and the offender is 18 years of age or older or for a releasee who is designated as a sexual predator pursuant to s. 775.21, in addition to any other provision of this section, the commission must order electronic monitoring for the duration of the releasee's supervision.

Section 13. Subsection (4) of section 948.06, Florida Statutes, is amended to read:

948.06 Violation of probation or community control; revocation; modification; continuance; failure to pay restitution or cost of supervision.—

(4) Notwithstanding any other provision of this section, a probationer or an offender in community control who is arrested for violating his or her probation or community control in a material respect may be taken before the court in the county or circuit in which the probationer or offender was arrested. That court shall advise him or her of such charge of a violation and, if such charge is admitted, shall cause him or her to be brought before the court which granted the probation or community control. If such violation is not admitted by the probationer or offender, the court may commit him or her or release him or her with or without bail to await further hearing. *However, if the probationer or offender is under supervision for any criminal offense proscribed in chapter 794, s. 800.04(4), s. 800.04(5), s. 800.04(6), s. 827.071, or s. 847.0145, or is a registered sexual predator or a registered sexual offender, or is under supervision for a criminal offense for which he or she would meet the registration criteria in s. 775.21, s. 943.0435, or s. 944.607 but for the effective date of those sections, the court must make a finding that the probationer or offender is not a danger to the public prior to release with or without bail. In determining the danger posed by the offender or probationer's release, the court may consider the nature and circumstances of the violation and any new offenses charged; the offender or probationer's past and present conduct, including convictions of crimes; any record of arrests without conviction for crimes involving violence or sexual crimes; any other evidence of allegations of unlawful sexual conduct or the use of violence by the offender or probationer; the offender or probationer's family ties, length of residence in the community, employment history, and mental condition; his or her history and conduct during the probation or community control supervision from which the violation arises and any other previous supervisions, including disciplinary records of previous incarcerations; the likelihood that the offender or probationer will engage again in a criminal course of conduct; the weight of the evidence against the offender or probationer; and any other facts the court considers relevant.* The court, as soon as is practicable, shall give the probationer or offender an opportunity to be fully heard on his or her behalf in person or by counsel. After such hearing, the court shall make findings of fact and forward the findings to the court which granted the probation or community control and to the probationer or offender or his or her attorney. The findings of fact by the hearing court are binding on the court which granted the probation or community control. Upon the probationer or offender being brought before it, the court which granted the probation or community control may revoke, modify, or continue the probation or community control or may place the probationer into community control as provided in this section.

Section 14. Subsection 948.012, Florida Statutes, is amended to read:

948.012 Split sentence of probation or community control and imprisonment.—

(1) Whenever punishment by imprisonment for a misdemeanor or a felony, except for a capital felony, is prescribed, the court, in its discretion, may, at the time of sentencing, impose a split sentence whereby the defendant is to be placed on probation or, with respect to any such felony, into community control upon completion of any specified period of such sentence which may include a term of years or less. In such case, the court shall stay and withhold the imposition of the remainder of sentence imposed upon the defendant and direct that the defendant be placed upon probation or into community control after serving such period as may be imposed by the court. The period of probation or community control shall commence immediately upon the release of the defendant from incarceration, whether by parole or gain-time allowances.

(2) The court may also impose a split sentence whereby the defendant is sentenced to a term of probation which may be followed by a period of incarceration or, with respect to a felony, into community control, as follows:

(a) If the offender meets the terms and conditions of probation or community control, any term of incarceration may be modified by court order to eliminate the term of incarceration.

(b) If the offender does not meet the terms and conditions of probation or community control, the court may revoke, modify, or continue the probation or community control as provided in s. 948.06. If the probation

or community control is revoked, the court may impose any sentence that it could have imposed at the time the offender was placed on probation or community control. The court may not provide credit for time served for any portion of a probation or community control term toward a subsequent term of probation or community control. However, the court may not impose a subsequent term of probation or community control which, when combined with any amount of time served on preceding terms of probation or community control for offenses pending before the court for sentencing, would exceed the maximum penalty allowable as provided in s. 775.082. Such term of incarceration shall be served under applicable law or county ordinance governing service of sentences in state or county jurisdiction. This paragraph does not prohibit any other sanction provided by law.

(3) The court may also impose split probation whereby, upon satisfactory completion of half the term of probation, the Department of Corrections may place the offender on administrative probation for the remainder of the term of supervision.

(4) *Effective for offenses committed on or after September 1, 2005, the court must impose a split sentence pursuant to subsection (1) for any person who is convicted of a life felony for lewd and lascivious molestation pursuant to s. 800.04(5)(b) if the court imposes a term of years in accordance with s. 775.082(3)4.b. rather than life imprisonment. The probation or community control portion of the split sentence imposed by the court for a defendant must extend for the duration of the defendant's natural life and include a condition that he or she be electronically monitored.*

Section 15. Section 948.061, Florida Statutes, is created to read:

948.061 *Identifying, assessing, and monitoring high-risk sex offenders on community supervision; providing cumulative criminal and supervision histories on the Internet.—*

(1) *By December 1, 2005, the department shall develop a graduated risk assessment that identifies, assesses, and closely monitors a high-risk sex offender who is placed on probation or in community control and who:*

(a) *Has previously been placed on probation or in community control and has a history of committing multiple violations of community supervision in this state or in any other jurisdiction or have previously been incarcerated in this state or in any other jurisdiction; and*

(b) *Has experienced more than one of the following risk factors that could potentially make the offender more likely to pose a danger to others:*

1. *Previous conviction for domestic violence;*
2. *History of substance abuse;*
3. *Unemployment or substantial financial difficulties;*
4. *Previous conviction for violence or sex acts against children, particularly involving strangers; or*
5. *Any other risk factor identified by the department.*

(2) *To facilitate the information available to the court at first appearance hearings and at all subsequent hearings for these high-risk sex offenders, the department shall, no later than March 1, 2006, post on FDLE's Criminal Justice Intranet a cumulative chronology of the sex offender's prior terms of state probation and community control, including all substantive or technical violations of state probation or community control. The sheriff's office in the county where the arrested person is booked shall insure that state and national criminal history information and all criminal justice information available in the Florida Crime Information Center and the National Crime Information Center, is provided to the court at the time of the first appearance. The courts shall assist the department's dissemination of critical information by creating and maintaining an automated system to provide the information as specified in this subsection and by providing the necessary technology in the courtroom to deliver the information.*

(3) *In monitoring the location of high-risk sex offenders, the department, shall, no later than October 1, 2006, have fingerprint-reading equipment and capability that will immediately identify the probationer or community controllee when they report to their designated probation officer and alert department probation officials when probationers and community controllees are subsequently rearrested.*

Section 16. Section 948.062, Florida Statutes, is created to read:

948.062 Reviewing and reporting serious offenses committed by offenders placed on probation or community control.—

(1) The department shall review the circumstances related to an offender placed on probation or community control who has been arrested while on supervision for the following offenses:

- (a) Any murder as provided in s. 782.04;*
- (b) Any sexual battery as provided in s. 794.011 or s. 794.023;*
- (c) Any sexual performance by a child as provided in s. 827.071;*
- (d) Any kidnapping, false imprisonment, or luring of a child as provided in s. 787.01, s. 782.07, or s. 787.025;*
- (e) Any lewd and lascivious battery or lewd and lascivious molestation as provided in s. 800.04(4) or s. 800.04(5);*
- (f) Any aggravated child abuse as provided in s. 827.03(2);*
- (g) Any robbery with a firearm or other deadly weapon, home invasion robbery, or carjacking as provided in s. 812.13(2)(a), s. 812.135, or s. 812.133;*
- (h) Any aggravated stalking as provided in s. 784.048(3), (4), or (5);*
- (i) Any forcible felony as provided in s. 776.08, committed by any person on probation or community control who is designated as a sexual predator; or*
- (j) Any DUI manslaughter as provided in s. 316.193(3)(c), or vehicular or vessel homicide as provided in s. 782.071 or s. 787.072, committed by any person who is on probation or community control for an offense involving death or injury resulting from a driving incident.*

(2) The department shall provide a statistical data summary from these reviews to the Office of Program Policy Analysis and Government Accountability. The Office of Program Policy Analysis and Government Accountability shall analyze this data and provide a written report to the President of the Senate and the Speaker of the House of Representatives by March 1, 2006. The report must include, at a minimum, any identified systemic deficiencies in managing high-risk offenders on community supervision; any patterns of noncompliance by correctional probation officers; and recommendations for improving the community supervision program.

Section 17. Section 948.063, Florida Statutes, is created to read:

948.063 Violations of probation or community control by designated sexual offenders and sexual predators.—If probation or community control is revoked by the court pursuant to s. 948.06(2)(e) and the offender is designated as a sexual offender or sexual predator pursuant to s. 775.21 for unlawful sexual activity involving a victim 15 years of age or younger and the offender is 18 years of age or older, and if the court imposes a subsequent term of supervision following the revocation of probation or community control, the court must order electronic monitoring as a condition of the subsequent term of probation or community control.

Section 18. Section 948.11, Florida Statutes, is amended to read:

948.11 Electronic monitoring devices.—

(1)(a) The Department of Corrections may, at its discretion, electronically monitor an offender sentenced to community control.

(b) The Department of Corrections shall electronically monitor an offender sentenced to criminal quarantine community control 24 hours per day.

(2) Any offender placed on community control who violates the terms and conditions of community control and is restored to community control may be supervised by means of an electronic monitoring device or system.

(3) For those offenders being electronically monitored, the Department of Corrections shall develop procedures to determine, investigate,

and report the offender's noncompliance with the terms and conditions of sentence 24 hours per day. All reports of noncompliance shall be immediately investigated by a community control officer.

(4) The Department of Corrections may contract with local law enforcement agencies to assist in the location and apprehension of offenders who are in noncompliance as reported by the electronic monitoring system. This contract is intended to provide the department a means for providing immediate investigation of noncompliance reports, especially after normal office hours.

(5) Any person being electronically monitored by the department as a result of placement on community control shall be required to pay a surcharge as provided in s. 948.09(2).

(6) *For probationers, community controllees, or conditional releasees who have current or prior convictions for violent or sexual offenses, the department, in carrying out a court or commission order to electronically monitor an offender, must use a system that actively monitors and identifies the offender's location and timely reports or records the offender's presence near or within a crime scene or in a prohibited area or the offender's departure from specified geographic limitations.*

(7) *A person who intentionally alters, tampers with, damages or destroys any electronic monitoring equipment pursuant to court or commission order, unless such person is the owner of the equipment, or an agent of the owner, performing ordinary maintenance and repairs commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

Section 19. Section 948.15, Florida Statutes, is amended to read:

948.15 Misdemeanor probation services.—

(1) Defendants found guilty of misdemeanors who are placed on probation shall be under supervision not to exceed 6 months unless otherwise specified by the court. In relation to any offense other than a felony in which the use of alcohol is a significant factor, the period of probation may be up to 1 year.

(2) A private entity or public entity under the supervision of the board of county commissioners or the court may provide probation services for offenders sentenced by the county court.

(3) Any private entity providing services for the supervision of misdemeanor probationers must contract with the county in which the services are to be rendered. In a county with a population of less than 70,000, the county court judge, or the administrative judge of the county court in a county that has more than one county court judge, must approve the contract. Terms of the contract must state, but are not limited to:

(a) The extent of the services to be rendered by the entity providing supervision or rehabilitation.

(b) Staff qualifications and criminal record checks of staff in accordance with essential standards established by the American Correctional Association as of January 1, 1991.

(c) Staffing levels.

(d) The number of face-to-face contacts with the offender.

(e) Procedures for handling the collection of all offender fees and restitution.

(f) Procedures for handling indigent offenders which ensure placement irrespective of ability to pay.

(g) Circumstances under which revocation of an offender's probation may be recommended.

(h) Reporting and recordkeeping requirements.

(i) Default and contract termination procedures.

(j) Procedures that aid offenders with job assistance.

(k) *Procedures for accessing criminal history records of probationers.*

In addition, the entity shall supply the chief judge's office with a quarterly report summarizing the number of offenders supervised by the private entity, payment of the required contribution under supervision or rehabilitation, and the number of offenders for whom supervision or rehabilitation will be terminated. All records of the entity must be open to inspection upon the request of the county, the court, the Auditor General, the Office of Program Policy Analysis and Government Accountability, or agents thereof.

(4) A private entity that provides court-ordered services to offenders and that charges a fee for such services must register with the board of county commissioners in the county in which the services are offered. The entity shall provide the following information for each program it operates:

- (a) The length of time the program has been operating in the county.
- (b) A list of the staff and a summary of their qualifications.
- (c) A summary of the types of services that are offered under the program.
- (d) The fees the entity charges for court-ordered services and its procedures, if any, for handling indigent offenders.

(5) The private entity providing misdemeanor supervision services shall also comply with all other applicable provisions of law.

Section 20. Subsection (2) of section 948.30, Florida Statutes, is amended and subsection (3) is added to that section to read:

948.30 Additional terms and conditions of probation or community control for certain sex offenses.—Conditions imposed pursuant to this section do not require oral pronouncement at the time of sentencing and shall be considered standard conditions of probation or community control for offenders specified in this section.

(2) Effective for a probationer or community controllee whose crime was committed on or after October 1, 1997, and who is placed on *community control* or sex offender probation for a violation of chapter 794, s. 800.04, s. 827.071, or s. 847.0145, in addition to any other provision of this subsection, the court must impose the following conditions of probation or community control:

- (a) As part of a treatment program, participation at least annually in polygraph examinations to obtain information necessary for risk management and treatment and to reduce the sex offender's denial mechanisms. A polygraph examination must be conducted by a polygrapher trained specifically in the use of the polygraph for the monitoring of sex offenders, where available, and shall be paid for by the sex offender. The results of the polygraph examination shall not be used as evidence in court to prove that a violation of community supervision has occurred.
- (b) Maintenance of a driving log and a prohibition against driving a motor vehicle alone without the prior approval of the supervising officer.
- (c) A prohibition against obtaining or using a post office box without the prior approval of the supervising officer.
- (d) If there was sexual contact, a submission to, at the probationer's or community controllee's expense, an HIV test with the results to be released to the victim or the victim's parent or guardian.
- (e) Electronic monitoring when deemed necessary by the community control or probation officer and his or her supervisor, and ordered by the court at the recommendation of the Department of Corrections.

(3) *Effective for a probationer or community controllee whose crime was committed on or after September 1, 2005, and who:*

- (a) *Is placed on probation or community control for a violation of chapter 794, s. 800.04(4), (5), or (6), s. 827.071, or s. 847.0145 and the unlawful sexual activity involved a victim 15 years of age or younger and the offender is 18 years of age or older;*
- (b) *Is designated a sexual predator pursuant to s. 775.21; or*
- (c) *Has previously been convicted of a violation of chapter 794, s. 800.04(4), (5), or (6), s. 827.071, or s. 847.0145 and the unlawful sexual*

activity involved a victim 15 years of age or younger and the offender is 18 years of age or older,

the court must order, in addition to any other provision of this section, mandatory electronic monitoring as a condition of the probation or community control supervision.

Section 21. Subsection (1) of section 1012.465, Florida Statutes, is amended to read:

1012.465 Background screening requirements for certain noninstructional school district employees and contractors.—

(1) Noninstructional school district employees or contractual personnel who are permitted access on school grounds when students are present, who have direct contact with students or who have access to or control of school funds must meet level 2 screening requirements as described in s. 1012.32. Contractual personnel shall include any vendor, individual, or entity under contract with the school board.

Section 22. (1)(a) *There is created within the Department of Law Enforcement a task force for the purpose of examining the collection and dissemination of offender information within the criminal justice system and community. The task force shall recommend strategies and actions that may be implemented to enhance coordination and cooperation among the various entities within the criminal justice system with a common goal of public safety.*

(b) *The task force shall consist of the membership of the Criminal Justice Information Systems Council set forth in section 943.06, Florida Statutes.*

(2)(a) *The task force shall study and take testimony regarding:*

1. *The collection and dissemination of offender information, including criminal history and any other pertinent matters, to the court, the prosecuting attorney, and defense counsel at first appearance hearings.*
2. *The collection and dissemination of offender information, including criminal history and any other pertinent matters, to the court, the prosecuting attorney and defense counsel at all court appearances subsequent to first appearance.*
3. *The collection and dissemination of offender information, including criminal history and any other pertinent matters, to county probation officers or officials.*
4. *Any other subject that the task force deems relevant to the collection and dissemination of offender information within the criminal justice system and community.*

(b) *The task force shall submit a preliminary draft report of its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives at least 45 days before the first day of the 2006 regular session of the Legislature. The final report shall be filed with the Governor, the President of the Senate, and the Speaker of the House of Representatives at least 30 days before the first day of the 2006 regular session. In addition to the findings and recommendations included in the final report, the report must include a draft of proposed rules and proposed legislation for any recommendations requiring proposed rules and proposed legislation.*

(c) *Each state agency shall fully cooperate with the task force in the performance of its duties.*

(3) *All meetings of the task force and all business of the task force for which reimbursement may be requested shall be concluded before the final report is filed. The task force is abolished July 1, 2006.*

Section 23. *The Office of Program Policy Analysis and Governmental Accountability shall perform a study of the effectiveness of Florida's sexual predator and sexual offender registration process and community and public notification provisions. As part of determining the effectiveness of the registration process, the OPPAGA shall examine the current practices of: the Department of Corrections, county probation offices, clerk of courts, court administrators, county jails and booking facilities, Department of Children and Family Services, judges, state attorneys offices, Department of Highway Safety and Motor Vehicles, Department of Law Enforcement, and local law enforcement agencies as they relate to: sharing of offender information regarding registered sexual predators*

and sexual offenders for purposes of fulfilling the requirements set forth in the registration laws; ensuring the most accurate, current and comprehensive information is provided in a timely manner to the registry; ensuring the effective supervision and subsequent monitoring of sexual predators and offenders; and ensuring informed decisions are made at each point of the criminal justice and registration process. In addition to determining the effectiveness of the registration process, the report shall focus on the question of whether the notification provisions in statute are sufficient to apprise communities of the presence of sexual predators and sexual offenders. The report shall examine how local law enforcement agencies collect and disseminate information in an effort to notify the public and communities of the presence of sexual predators and offenders. If the report finds deficiencies in the registration process, the notification provisions, or both, the report shall provide options for correcting those deficiencies and shall include the projected cost of implementing those options. In conducting the study, the Office of Program Policy Analysis and Governmental Accountability shall consult with the Florida Council Against Sexual Violence and the Florida Association for the Treatment of Sexual Abusers in addition to other interested entities that may offer experiences and perspectives unique to this area of research. The report shall be submitted to the President of the Senate and the Speaker of the House of Representatives by January 1, 2006.

Section 24. Four full-time positions are authorized and the sum of \$196,908 in recurring funds is appropriated from the General Revenue Fund to the Department of Corrections in salaries and benefits for the 2005-2006 fiscal year. The sum of \$15,840 in recurring funds is appropriated from the General Revenue Fund to the Department of Corrections for salary incentive payments for the 2005-2006 fiscal year. The sums of \$26,052 in recurring funds and \$12,920 in nonrecurring funds are appropriated from the General Revenue Fund to the Department of Corrections for expenses for the 2005-2006 fiscal year. The sum of \$121,114 in nonrecurring funds is appropriated from the General Revenue Fund to the Department of Corrections for other capital outlay for the 2005-2006 fiscal year. The sum of \$3,169,530 in nonrecurring funds is appropriated from the General Revenue Fund to the Department of Corrections for fixed capital outlay for new prison beds, and the sum of \$164,673 in recurring funds is appropriated from the General Revenue Fund to the Department of Corrections for operating costs for the 2005-2006 fiscal year.

Section 25. The sum of \$3,928,860 in recurring funds is appropriated from the General Revenue Fund to the Department of Corrections for the 2005-2006 fiscal year for the purpose of increasing by 1,200 units the number of active Global Positioning System electronic monitoring devices available to the court when placing offenders on felony probation or other forms of community supervision authorized in chapters 948 and 947, Florida Statutes.

Section 26. Nine full-time positions are authorized and the sum of \$389,905 in recurring funds is appropriated from the General Revenue Fund to the Department of Law Enforcement for salaries and benefits for the 2005-2006 fiscal year. The sums of \$58,617 in recurring funds and \$77,070 in nonrecurring funds are appropriated from the General Revenue Fund to the Department of Law Enforcement for expenses for the 2005-2006 fiscal year. The sum of \$94,200 in nonrecurring funds is appropriated from the General Revenue Fund to the Department of Law Enforcement for operating capital outlay for the 2005-06 fiscal year. The sums of \$143,000 in recurring funds and \$521,000 in nonrecurring funds are appropriated from the General Revenue Fund to the Department of Law Enforcement for other personal services for the 2005-2006 fiscal year.

Section 27. The sums of \$509,500 in recurring funds and \$2,520,500 in nonrecurring funds are appropriated from the General Revenue Fund to the Office of State Courts Administrator for the 2005-2006 fiscal year for other data processing services.

Section 28. This act shall take effect September 1, 2005.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to high-risk offenders; providing a short title; amending s. 216.136, F.S.; assigning additional responsibilities of the Criminal Justice Estimating Conference; requiring a study; amending s. 775.21, F.S.; revising sexual predator criteria; extending the period for a petition to remove a sexual predator designation; requiring twice

yearly reregistration by sexual predators; requiring reregistration information be provided to the Department of Law Enforcement; providing criminal offenses for failing to reregister, failing to respond to address verification, failing to report or providing false information about a sexual predator, and harboring or concealing a sexual predator; requiring twice yearly reregistration by sexual predators; requiring reregistration information be provided to the Department of Law Enforcement; providing criminal offenses for failing to reregister, failing to respond to address verification, failing to report or providing false information about a sexual predator, and harboring or concealing a sexual predator; amending s. 775.082, F.S.; providing for specified sentencing of persons convicted of the life felony offense in s. 800.04(5)(b), F.S.; providing for 25-year mandatory minimum term of imprisonment; amending s. 800.04, F.S.; providing that it is a life felony for an offender 18 years of age or older to commit lewd or lascivious molestation against a victim younger than 12 years of age; amending s. 921.0022, F.S.; deleting ranking for offenses involving sexual predators and sexual offenders failing to comply with registration requirements; ranking offenses involving sexual predators and sexual offenders failing to comply with registration requirements and other requirements; ranking new criminal offenses for failing to reregister, failing to respond to address verification, failing to report or providing false information about a sexual predator or sexual offender, and harboring or concealing a sexual predator or sexual offender; correcting a reference to the felony degree of a lewd or lascivious offense; amending s. 921.141, F.S.; providing an additional aggravating circumstance pertaining to sexual predators for the purpose of imposing the death penalty; amending s. 943.043, F.S., requiring the Department of Law Enforcement to provide to local law enforcement agencies information on sexual predators and sexual offenders who fail to respond to address verification attempts or abscond from registration; amending s. 943.0435, F.S.; requiring twice yearly reregistration by sexual offenders; requiring reregistration information be provided to the Department of Law Enforcement; providing criminal offenses for failing to reregister, failing to respond to address verification, failing to report or providing false information about a sexual offender, and harboring or concealing a sexual offender; creating s. 943.04352, F.S.; requiring a search of the sexual offender and sexual predator registry by entities providing probation services; amending s. 944.607, F.S.; requiring twice yearly reregistration by sexual offenders; requiring reregistration information be provided to the Department of Law Enforcement; providing criminal offenses for failing to reregister, failing to respond to address verification, failing to report or providing false information about a sexual offender, and harboring or concealing a sexual offender; amending s. 947.1405, F.S.; requiring electronic monitoring for certain offenders placed on conditional release supervision; amending s. 948.06(4), F.S.; requiring a court finding with regard to dangerousness to the public prior to release on bail under certain circumstances; amending s. 948.012, F.S.; requiring the court to impose a split sentence in certain circumstances; creating s. 948.061, F.S.; requiring the Department of Corrections to develop a risk assessment system to monitor certain offenders placed on probation or community control; requiring increased supervision of such offenders under certain circumstances; requiring that information be provided via FDLE's Criminal Justice Intranet to the court by the correctional probation officer; requiring the court to assist the department by creating and maintaining an automated system; requiring the department to have fingerprint reading equipment and capability by October 1, 2006; creating s. 948.062, F.S.; requiring the Department of Corrections to review the circumstances of certain arrests of offenders on probation or community control; requiring the Office of Program Policy Analysis and Government Accountability to analyze the reviews and report to the President of the Senate and the Speaker of the House of Representatives; creating s. 948.063, F.S.; requiring the court to order electronic monitoring for designated sexual offenders and predators who violate probation or community control; amending s. 948.11, F.S.; requiring the department to develop and implement procedures to notify certain officials on the availability of electronic monitoring units; requiring the department to use certain electronic monitoring systems on high-risk offenders; prohibiting the intentional altering, tampering, damaging or destroying of any electronic monitoring equipment; amending s. 948.15, F.S.; specifying that the terms of the contract must contain procedures for accessing criminal history records concerning probationers; amending s. 948.30, F.S.; specifying additional conditions for persons placed on community control; requiring certain sex offenders and sexual predators on probation or community control to be placed on electronic monitoring; amending s. 1012.465(1), F.S.; clarifying background screening requirements for contractual personnel who have access on school grounds; creating a task force within the Department of Law Enforcement; requiring the task

force to examine the collection and dissemination of offender information within the criminal justice system and community; prescribing task force membership; requiring that the task force submit findings and recommendations to the Governor and the Legislature; requiring cooperation by state agencies; providing for abolishing the task force on a specified date; requiring the Office of Program Policy Analysis and Governmental Accountability to perform a study of and report to the Legislature on the effectiveness of Florida's sexual predator and sexual offender registries and community and public notification provisions; providing appropriations and authorizing positions; providing an effective date.

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

Amendment 1A (905230)—On page 51, line 26, after “shall” and insert: , every 3 years,

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **HB 1877** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Haridopolos—

SB 574—A bill to be entitled An act relating to the designation of an official fruit of the State of Florida; creating s. 15.0315, F.S.; designating the orange as the official fruit of the State of Florida; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 574** was placed on the calendar of Bills on Third Reading.

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

CS for CS for CS for SB 1010—A bill to be entitled An act relating to administrative procedures; amending s. 11.60, F.S.; revising duties of the Administrative Procedures Committee with respect to its review of statutes; amending s. 57.111, F.S.; redefining the term “small business” to include certain specified individuals whose net worth does not exceed a specified amount; amending s. 120.54, F.S.; requiring an agency to file a notice of change with the Administrative Procedures Committee; revising times for filing rules for adoption; providing for the form and provisions of bonds; revising applicability of certain uniform rules; amending s. 120.55, F.S.; requiring that certain information be included in forms incorporated by reference in rules; requiring information to be published electronically on an Internet website; providing that such publication does not preclude other publications; providing additional duties of the Department of State with respect to publications; providing requirements for the Internet website; amending s. 120.551, F.S.; postponing the repeal of this section, relating to Internet publication; amending s. 120.56, F.S.; revising provisions relating to withdrawal of challenged rules; amending s. 120.569, F.S.; prescribing circumstances under which the time for filing a petition for hearing must be extended; amending s. 120.57, F.S.; requiring a final order to include an explicit ruling on each exception to the recommended order; providing when certain orders become effective; requiring that additional information be included in notices relating to protests of contract solicitations or awards; amending s. 120.65, F.S.; requiring the Division of Administrative Hearings to include certain recommendations in its annual report to the Administrative Procedures Committee; amending s. 120.74, F.S.; requiring agency reports to be filed with the Administrative Procedures Committee; requiring that the annual report filed by an agency identify the types of cases or disputes in which it is involved which should be conducted under the summary hearing process; amending s. 120.80, F.S.; requiring that the commission refer certain matters affecting the substantial interest of a utility to the Division of Administrative Hearings so that an administrative judge may be assigned to conduct a hearing and enter a recommended order; requiring the Department of State to provide certain assistance to agencies in their transition to publishing on the Florida Administrative Weekly Internet website; providing effective dates.

—for further consideration.

RECONSIDERATION OF AMENDMENT

On motion by Senator Fasano, the Senate reconsidered the vote by which **Amendment 2 (152702)** was adopted. **Amendment 2** was withdrawn.

Pursuant to Rule 4.19, **CS for CS for CS for SB 1010** as amended was ordered engrossed and placed on the calendar of Bills on Third Reading.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Pruitt, the rules were waived and the Committee on Ways and Means was granted permission to meet from 11:00 a.m. until 1:15 p.m. in lieu of 11:00 a.m. until noon, Thursday, April 21; and the Committee on Judiciary was granted permission to meet from 9:30 a.m. until noon, Friday, April 22.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Pruitt, by two-thirds vote **SB 288**, **CS for SB 680**, **SB 726**, **CS for SB 1416** and **CS for SB 2178** were withdrawn from the Committee on Rules and Calendar; **CS for SB 332** was withdrawn from the Committee on Rules and Calendar; and also referred to the Committees on General Government Appropriations; and Ways and Means; and **CS for SB 1308** was withdrawn from the Committee on General Government Appropriations.

MOTION

On motion by Senator Pruitt, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the Special Order Calendar for Thursday, April 21.

On motion by Senator Pruitt, a deadline of one hour after the availability of engrossed bills was set for filing amendments to Bills on Third Reading to be considered Thursday, April 21.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Wednesday, April 20, 2005: **HB 149**, **CS for SB 1320**, **CS for SB 316**, **CS for SB 482**, **CS for SB 1600**, **SB 1512**, **CS for CS for SB 1216**, **CS for SB 1868**, **CS for SB 2196**, **HB 1889**, **HB 1899**, **CS for SB 2228**, **CS for CS for SB 1446**, **CS for SB 718**, **CS for SB 2284**, **CS for CS for SB 334**, **CS for SB 1774**, **CS for SB 348**, **SB 2296**, **CS for CS for SB 1258**, **CS for CS for SB 572**, **SB 1678**, **CS for CS for SB 1472**, **CS for SB 1318**, **SB 2574**, **CS for SB 1244**, **CS for SB 1094**, **CS for SB 1438**, **CS for CS for SB 186**, **CS for SB 656**, **CS for CS for CS for SB 1010**, **SB 1122**, **CS for SB 1722**, **CS for SB 1118**, **CS for CS for SB 328**, **SB 252**, **CS for SB 770**, **SB 574**, **SB 670**, **CS for CS for SB 626**

Respectfully submitted,
Ken Pruitt, Chair

The Committee on Community Affairs recommends the following pass: **SB 2110**

The bill was referred to the Committee on Banking and Insurance under the original reference.

The Committee on Banking and Insurance recommends the following pass: **SB 1158** with 1 amendment

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

The Committee on Community Affairs recommends the following pass: **SB 1928**

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

The Committee on Commerce and Consumer Services recommends the following pass: SB 2340

The bill was referred to the Committee on Education under the original reference.

The Committee on Commerce and Consumer Services recommends the following pass: CS for SB 1704

The Committee on Education recommends the following pass: SB 1374 with 1 amendment

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

The Committee on Banking and Insurance recommends the following pass: SB 2076

The Committee on Community Affairs recommends the following pass: CS for SB 2072 and SB 1714, with 3 amendments, SB 2148

The Committee on Criminal Justice recommends the following pass: SB 1612, SB 2032

The Committee on Governmental Oversight and Productivity recommends the following pass: CS for SB 332

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

The Committee on Community Affairs recommends the following pass: SB 1070 with 3 amendments, SB 1644, CS for SB 1732

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 1024

The Committee on Health Care recommends the following pass: CS for SB 1264 with 1 amendment, SB 2130, CS for SB 2516

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

The Committee on Banking and Insurance recommends the following pass: CS for SB 1624, SB 2344

The Committee on Commerce and Consumer Services recommends the following pass: SB 1444

The Committee on Community Affairs recommends the following pass: SB 1242 with 1 amendment, SB 1568

The bills contained in the foregoing reports were referred to the Committee on Governmental Oversight and Productivity under the original reference.

The Committee on Community Affairs recommends the following pass: SB 112

The bill was referred to the Committee on Health and Human Services Appropriations under the original reference.

The Committee on Banking and Insurance recommends the following pass: SB 1800

The Committee on Domestic Security recommends the following pass: SB 764 with 1 amendment

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

The Committee on Banking and Insurance recommends the following pass: CS for SB 1288 with 1 amendment

The Committee on Criminal Justice recommends the following pass: SB 188 with 2 amendments, SB 1972 with 1 amendment, SB 2002 with 1 amendment

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

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 1746

The bill was referred to the Committee on Rules and Calendar under the original reference.

The Committee on Domestic Security recommends the following pass: SB 2620

The bill was referred to the Committee on Transportation under the original reference.

The Committee on Commerce and Consumer Services recommends the following pass: SB 1576 with 1 amendment

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

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 1998

The bill was referred to the Committee on Ways and Means under the original reference.

The Committee on Commerce and Consumer Services recommends the following pass: CS for SB 2006

The Committee on Communications and Public Utilities recommends the following pass: SB 1790

The Committee on Community Affairs recommends the following pass: SB 870, CS for SB 898, SB 1820, SB 2460 with 1 amendment

The Committee on Criminal Justice recommends the following pass: CS for SB 216

The Committee on Domestic Security recommends the following pass: CS for SB 1808

The Committee on Education recommends the following pass: SB 2000, SB 2268

The Committee on Governmental Oversight and Productivity recommends the following pass: CS for SB 1416

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

The Committee on Commerce and Consumer Services recommends the following not pass: SJR 1292

The bill was laid on the table.

The Committee on Banking and Insurance recommends committee substitutes for the following: SB 1982, SB 1984

The Committee on Regulated Industries recommends a committee substitute for the following: SB 1608

The Committee on Transportation recommends a committee substitute for the following: SB 970

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Commerce and Consumer Services under the original reference.

The Committee on Environmental Preservation recommends a committee substitute for the following: SB 2510

The bill with committee substitute attached was referred to the Committee on Communications and Public Utilities under the original reference.

The Committee on Communications and Public Utilities recommends a committee substitute for the following: Senate Bills 1296 and 2066

The Committee on Transportation recommends a committee substitute for the following: SB 1850

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

The Committee on Banking and Insurance recommends a committee substitute for the following: CS for SB 2346

The Committee on Commerce and Consumer Services recommends a committee substitute for the following: SB 2648

The Committee on Ethics and Elections recommends a committee substitute for the following: SJR 1190

The Committee on Transportation recommends a committee substitute for the following: SB 1466

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

The Committee on Transportation recommends a committee substitute for the following: SB 2040

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

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 1616

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

The Committee on Agriculture recommends a committee substitute for the following: SB 2322

The Committee on Commerce and Consumer Services recommends committee substitutes for the following: CS for SB 1002, CS for SB 1874

The Committee on Regulated Industries recommends a committee substitute for the following: CS for SB 632

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on General Government Appropriations under the original reference.

The Committee on Commerce and Consumer Services recommends committee substitutes for the following: CS for SB 2068, SB 2074, SB 2520

The Committee on Environmental Preservation recommends a committee substitute for the following: CS for SB 1316

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Government Efficiency Appropriations under the original reference.

The Committee on Commerce and Consumer Services recommends a committee substitute for the following: SB 1142

The Committee on Community Affairs recommends a committee substitute for the following: SB 1922

The Committee on Education recommends a committee substitute for the following: SB 1968

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

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 594

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

The Committee on Commerce and Consumer Services recommends a committee substitute for the following: SB 2638

The Committee on Ethics and Elections recommends a committee substitute for the following: SB 496

The Committee on Regulated Industries recommends a committee substitute for the following: SB 2036

The Committee on Transportation recommends a committee substitute for the following: SB 902

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

The Committee on Transportation recommends a committee substitute for the following: CS for SB 360

The bill with committee substitute attached was referred to the Committee on Ways and Means under the original reference.

The Committee on Commerce and Consumer Services recommends committee substitutes for the following: CS for SB 192, CS for SB 2232

The Committee on Environmental Preservation recommends a committee substitute for the following: SB 976

The Committee on Regulated Industries recommends a committee substitute for the following: CS for SB 634

The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committees on Commerce and Consumer Services; Judiciary; and Senators Campbell and Fasano—

CS for CS for SB 192—A bill to be entitled An act relating to advertising for legal services; creating s. 454.37, F.S., relating to advertising for legal services in print or electronic media; defining the terms “electronic media” and “lawyer referral service”; requiring advertisements and unsolicited written communications for legal services disseminated in Florida by certain entities to comply with the rules regulating The Florida Bar; requiring a specific statement to accompany advertisements for legal services and unsolicited written communications by lawyer-referral services; requiring an affidavit certifying certain information to accompany an advertisement for legal services submitted by an attorney licensed in this state, a business entity organized under the rules regulating The Florida Bar, a lawyer licensed out-of-state, a law firm owned by a lawyer licensed out-of-state, a lawyer-referral service, or a group or legal plan; requiring that such advertisements be accompanied by a sworn statement certifying that the advertisement complies with the standards required for advertisements placed by lawyers licensed in this state; requiring publishers of advertisements to retain certain copies for a specified period; providing for civil penalties and for enforcement; providing that false, deceptive, or misleading advertising of legal services is an unfair and deceptive trade practice; specifying that the act is cumulative and does not repeal any other law, rule, or penalty; providing an effective date.

By the Committees on Transportation; Community Affairs; and Senator Bennett—

CS for CS for SB 360—A bill to be entitled An act relating to infrastructure planning and funding; amending s. 163.3164, F.S.; defining the term “financial feasibility”; amending s. 163.3177, F.S.; revising requirements for the capital improvements element of a comprehensive plan; requiring a schedule of capital improvements; providing a deadline for certain amendments; providing an exception; providing requirements for a local government that prepares its own water supply analysis for purposes of an element of the comprehensive plan; authorizing planning for multijurisdictional water supply facilities; providing requirements for counties and municipalities with respect to the public school facilities element; requiring an interlocal agreement; exempting certain municipalities from such requirements; requiring that the state land planning agency establish a schedule for adopting and updating the public school facilities element; encouraging local governments to include a community vision and an urban service boundary component to their comprehensive plans; prescribing taxing authority of local governments doing so; repealing s. 163.31776, F.S., relating to the public educational facilities element; amending s. 163.31777, F.S.; revising the requirements for the public schools interlocal agreement to conform to changes made by the act; requiring the school board to provide certain information to the local government; amending s. 163.3180, F.S.; revising requirements for concurrency; providing for schools to be subject to concurrency requirements; requiring that an adequate water supply be available for new development; revising requirements for transportation facilities; requiring that certain level-of-service standards established by the Department of Transportation be maintained; providing guidelines under which a local government may grant an exception to the comprehensive plan; revising criteria and providing guidelines for transportation concurrency exception areas; providing a process to monitor de minimus impacts; revising the requirements for a long-term transportation concurrency management system; providing for a long-term school concurrency management system; requiring that school concurrency be established districtwide; providing certain exceptions; authorizing a local government to approve a development order if the developer executes a commitment to mitigate the impacts on public school facilities; providing requirements for such proportionate-share mitigation; revising requirements for interlocal agreements with respect to public school facilities; providing mitigation options for transportation facilities; amending s. 163.3184, F.S.; prescribing authority of local governments to adopt plan amendments after adopting community vision and an urban service boundary; providing for expedited plan amendment review under certain circumstances; revising agency review and challenge

timeframes for certain amendments; amending s. 163.3191, F.S.; providing additional requirements for the evaluation and assessment of the comprehensive plan for counties and municipalities that do not have a public schools interlocal agreement; revising requirements for the evaluation and appraisal report; providing time limit for amendments relating to the report; amending s. 212.055, F.S.; revising permissible rates for charter county transit system surtax; revising methods for approving such a surtax; providing for a noncharter county to levy this surtax under certain circumstances; limiting the expenditure of the proceeds to a specified area under certain circumstances; revising methods for approving a local government infrastructure surtax; limiting the expenditure of the proceeds to a specified area under certain circumstances; revising a ceiling on rates of small county surtaxes; revising methods for approving a school capital outlay surtax; amending s. 206.41, F.S.; providing for annual adjustment of the ninth-cent fuel tax and local option fuel tax; amending s. 336.021, F.S.; revising methods for approving such a fuel tax; limiting authority of a county to impose the ninth-cent fuel tax without adopting a community vision; amending s. 336.025, F.S.; limiting authority of a county to impose the local option fuel tax without adopting a community vision; revising methods for approving such a fuel tax; amending s. 339.135, F.S., relating to tentative work programs of the Department of Transportation; conforming provisions to changes made by the act; requiring the Office of Program Policy Analysis and Government Accountability to perform a study of the boundaries of specified state entities; requiring a report to the Legislature; creating s. 163.3247, F.S.; providing a popular name; providing legislative findings and intent; creating the Century Commission for certain purposes; providing for appointment of commission members; providing for terms; providing for meetings and votes of members; requiring members to serve without compensation; providing for per diem and travel expenses; providing powers and duties of the commission; requiring the creation of a joint select committee of the Legislature; providing purposes; requiring the Secretary of Community Affairs to select an executive director of the commission; requiring the Department of Community Affairs to provide staff for the commission; providing for other agency staff support for the commission; providing an appropriation; amending s. 1013.33, F.S.; conforming provisions to changes made by the act; providing effective dates.

By the Committee on Ethics and Elections; and Senator Hill—

CS for SB 496—A bill to be entitled An act relating to voter intimidation; creating s. 104.0615, F.S.; providing a short title; prohibiting a person from using or threatening to use force, violence, or intimidation to induce or compel an individual to vote or refrain from voting, to refrain from registering to vote, or to refrain from acting as an election official or poll watcher; prohibiting a person from knowingly using false information to challenge an individual’s right to vote, to induce an individual to refrain from registering to vote, or to induce or attempt to induce an individual to refrain from acting as an election official or poll watcher; prohibiting a person from knowingly destroying, mutilating, or defacing a voter registration form or election ballot or obstructing or delaying the delivery of a voter registration form or election ballot; providing criminal penalties; providing an effective date.

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

CS for SB 594—A bill to be entitled An act relating to health insurance; amending s. 627.419, F.S.; providing for payments to a physician assistant under contracts providing for paying for surgical first assisting benefits or services; including certified surgical first assistants, as defined, within certain benefits or services payment provisions; limiting application; providing an effective date.

By the Committees on Regulated Industries; Community Affairs; and Senators Bennett and King—

CS for CS for SB 632—A bill to be entitled An act relating to prompt payment for construction services; amending s. 218.70, F.S.; providing a short title; amending s. 218.72, F.S.; redefining terms used in part VII of ch. 218, F.S.; amending s. 218.735, F.S.; revising provisions relating to timely payment for purchases of construction services; revising deadlines for payment; providing procedures for project closeout and pay-

ment of retainage; providing requirements for local government construction retainage; providing that ss. 218.72-218.76, F.S., apply to the payment of any payment request for retainage; providing exceptions; creating s. 255.0705, F.S.; providing a short title; amending s. 255.071, F.S.; revising deadlines for the payment of subcontractors, sub-subcontractors, materialmen, and suppliers on construction contracts for public projects; creating ss. 255.072, 255.073, 255.074, 255.075, 255.076, 255.077, and 255.078, F.S.; providing definitions; providing for timely payment for purchases of construction services by a public entity; providing procedures for calculating payment-due dates; providing procedures for handling improper payment requests; providing for an award of court costs and attorney's fees; providing for the resolution of disputes; providing for project closeout and payment of retainage; providing that ss. 255.072-255.076, F.S., apply to the payment of any payment request for retainage; providing exceptions; amending s. 255.05, F.S.; providing requirements for certain notices of nonpayment served by a claimant who is not in privity with the contractor; providing limitations on a claimant's institution of certain actions against a contractor or surety; amending s. 287.0585, F.S.; providing an exemption for contractors making late payment to subcontractors when the contract is subject to the "Prompt Payment Act"; amending s. 95.11, F.S., to conform a cross-reference; providing that specified sections of the act do not apply to certain pending contracts and projects; providing an effective date.

By the Committees on Regulated Industries; Criminal Justice; and Senator Bennett—

CS for CS for SB 634—A bill to be entitled An act relating to alarm system contracting; amending s. 633.702, F.S.; providing a criminal penalty for intentionally or willfully installing, servicing, testing, repairing, improving, or inspecting a fire alarm system unless the person who performs those acts has certain qualifications or is exempt under s. 489.503, F.S.; amending s. 489.537, F.S.; revising provisions authorizing a municipality or county to require that an electrical journeyman be present on certain nonresidential construction sites; providing for the reinstatement of certain licenses that have expired; providing effective dates.

By the Committee on Transportation; and Senator Campbell—

CS for SB 902—A bill to be entitled An act relating to nonjudicial sale of vessels; amending s. 328.17, F.S.; revising notice requirements of a marina having a possessory lien on a vessel for unpaid costs, charges, or fees prior to nonjudicial sale of the vessel; reducing the time allowed to pay the fees, charges, and costs giving rise to the lien prior to sale of the vessel; revising requirements with respect to perfection of and priority over prior or other liens; providing an effective date.

By the Committee on Transportation; and Senator Campbell—

CS for SB 970—A bill to be entitled An act relating to household moving services; requesting the Division of Statutory Revision to redesignate the title of ch. 507, F.S.; amending s. 507.01, F.S.; revising definitions; defining "household move," "moving broker," and "moving container"; clarifying licensing requirements for household movers and moving brokers; applying the licensing requirements to moving brokers and certain persons who transport or ship household goods in moving containers; clarifying and conforming provisions; amending s. 507.02, F.S.; clarifying the construction, application, and intent of the licensing requirements; amending s. 507.03, F.S.; requiring moving brokers to register with the Department of Agriculture and Consumer Services; providing requirements and fees for such registration; providing for certificate of registration; requiring display of the certificate; clarifying registration requirements for household movers and moving brokers; requiring brokers to obtain local registration or license when required by the county or municipality where the broker's principal place of business is located; deleting provisions for issuance by the department of a certificate of registration when a mover submits proof of local license or registration; revising advertising requirements; requiring a mover's vehicles to display certain signage; providing for denial, refusal to renew, or revocation of registration of mover or moving broker; requiring brokers to provide evidence of certain insurance coverage; revising requirements for mover to provide evidence of certain insurance coverage;

amending s. 507.04, F.S.; clarifying requirements that a mover maintain certain insurance coverages; requiring a mover to submit evidence of liability insurance before registration; providing requirements for liability insurance coverage; authorizing the Department of Agriculture and Consumer Services to suspend a mover's registration and seek an injunction in circuit court if the mover fails to maintain insurance coverage; providing penalties; authorizing certain movers and requiring moving brokers to maintain a performance bond or certificate of deposit in lieu of certain liability insurance coverage; providing requirements for the performance bond or certificate of deposit; providing for payment of claims pursuant to department order in an administrative proceeding; specifying that insurance coverages must be issued by a licensed insurance company or carrier; prohibiting certain limits of liability for a mover's loss or damage of a shipper's goods; requiring certain disclosures of liability limitations; authorizing a mover to offer valuation coverage under specified conditions; providing that valuation coverage meeting specified conditions satisfies certain liability of a mover; requiring certain disclosures of valuation coverage; amending s. 507.06, F.S.; revising provisions for delivery and storage of household goods; amending s. 507.07, F.S.; requiring that moving brokers annually register with the department; revising provisions relating to prohibited acts and violations; specifying that the making of certain false statements is a violation of ch. 507, F.S., regardless of whether the statements are material; clarifying and conforming provisions; amending s. 507.11, F.S.; providing penalties; amending ss. 507.05, 507.08, 507.09, 507.10, 507.12, and 507.13, F.S., relating to estimates and contracts for service, deceptive and unfair trade practice, administrative remedies and penalties, civil penalties and remedies, the General Inspection Trust Fund, and local regulation; providing for application to moving brokers; clarifying and conforming provisions; providing for the adoption of rules; creating s. 205.1975, F.S.; prohibiting a county or municipality from issuing or renewing an occupational license to a mover or moving broker under certain circumstances; providing an effective date.

By the Committee on Environmental Preservation; and Senator Jones—

CS for SB 976—A bill to be entitled An act relating to hazard mitigation for coastal redevelopment; amending s. 163.3164, F.S.; defining the term "local mitigation strategy" for purposes of the Local Government Comprehensive Planning and Land Development Regulation Act; amending s. 163.3177, F.S.; providing an additional requirement for a local government's comprehensive plan concerning hazard mitigation; amending s. 163.3178, F.S.; revising provisions with respect to coastal management; authorizing a demonstration project in certain counties to allow for the redevelopment of coastal areas within the designated coastal high-hazard area; providing conditions; providing for application by a local government; providing for a written agreement between the state land planning agency and the local government; providing for a progress report to the Governor and the Legislature; amending ss. 186.515, 288.975, and 369.303, F.S.; correcting cross-references to conform; providing an effective date.

By the Committees on Commerce and Consumer Services; Banking and Insurance; and Senator Posey—

CS for CS for SB 1002—A bill to be entitled An act relating to insurance field representatives and operations; amending s. 626.321, F.S.; including service warranty agreement sales covering communications equipment under certain limited licensing provisions; revising provisions relating to licensure of branch locations; prescribing renewal fees for specified branch locations; amending s. 626.731, F.S.; revising a qualification for licensure as a general lines agent; amending s. 627.7295, F.S.; removing a provision requiring that a per-policy fee be included in a motor vehicle insurer's rate filing; providing an effective date.

By the Committee on Commerce and Consumer Services; and Senator Argenziano—

CS for SB 1142—A bill to be entitled An act relating to public records and public meetings; creating an exemption from public-records requirements for trade secrets held by an agency; requiring that a written

declaration be submitted to the agency verifying that the information is a trade secret; specifying requirements for such declaration; providing for retroactive application of the public-records exemption; creating an exemption from public-meetings requirements for any portion of a meeting at which a trade secret is discussed; providing for future review and repeal under the Open Government Sunset Review Act; providing a statement of public necessity; repealing s. 815.045, F.S., relating to trade secret information; providing an effective date.

By the Committee on Ethics and Elections; and Senators Wilson, Lawson and Hill—

CS for SJR 1190—A joint resolution proposing an amendment to Section 4 of Article VI of the State Constitution, relating to suffrage and elections, to provide for restoration of a felony offender's right to vote and hold office upon completion of incarceration and postconviction supervision and payment of all court-ordered restitution.

By the Committees on Communications and Public Utilities; Government Efficiency Appropriations; and Senators Haridopolos, Constantine and Dockery—

CS for SB's 1296 and CS for SB 2066—A bill to be entitled An act relating to the communications services tax; amending s. 202.16, F.S.; requiring dealers to document exempt sales for resale; providing requirements; providing a definition; providing construction; providing for dealer provision of evidence of the exempt status of certain sales through an informal protest process; requiring the Department of Revenue to accept certain evidence during the protest period; providing limitations; providing for retroactive application; requiring the Department of Revenue to establish a toll-free telephone number for the purpose of verifying registration numbers and resale certificates; requiring the department to establish a system for receiving information from dealers regarding certificate numbers; amending s. 202.19, F.S.; clarifying a characterization of the local communications services tax as including certain fees and being in lieu of such fees; amending s. 202.20, F.S.; limiting local governmental authority to make certain rate adjustments in the tax under certain circumstances; deleting obsolete provisions relating to making certain adjustments in the tax for certain periods; amending s. 202.21, F.S.; deleting provisions relating to local government adjustments of the tax by emergency ordinance or resolution to conform; specifying that certain amendments are remedial in nature and clarify certain provisions of law but do not grant rights to a refund of certain fees or charges under certain circumstances; providing effective dates.

By the Committees on Environmental Preservation; and Community Affairs—

CS for CS for SB 1316—A bill to be entitled An act relating to waterfront property; amending s. 163.3177, F.S.; requiring the future land use plan element of a local comprehensive plan for a coastal county to include criteria to encourage the preservation of recreational and commercial working waterfronts; including public access to waterways within those items indicated in a recreation and open space element; amending s. 163.3178, F.S.; providing requirements for the shoreline use component of a coastal management element with respect to recreational and commercial working waterfronts; amending s. 193.501, F.S.; defining the term "open to the general public" for the purpose of determining outdoor recreational or park purposes; amending s. 253.03, F.S.; requiring the Board of Trustees of the Internal Improvement Trust Fund to encourage certain uses for sovereign submerged lands; establishing the Waterfronts Florida Program within the Department of Community Affairs; providing definitions; requiring that the program implement the Waterfronts Florida Partnership Program in coordination with the Department of Environmental Protection; requiring the Department of Environmental Protection and appropriate water management districts to expedite permitting of certain marina projects; requiring the Department of Environmental Protection, in coordination with the Fish and Wildlife Conservation Commission, to study the use of state parks for recreational boating; requiring that the department make recommendations to the Governor and the Legislature; amending s. 327.47, F.S.; providing for funding certain boating grant programs administered by

the Fish and Wildlife Conservation Commission; amending s. 328.72, F.S.; increasing vessel registration fees; providing for a portion of the fees to be designated for boating grant programs; amending s. 328.76, F.S.; clarifying the use of funds designated for boating grant programs; creating s. 324.07, F.S.; enunciating the state's interest in maintaining recreational and commercial working waterfronts; defining the term "recreational and commercial working waterfront"; creating ss. 197.303-197.3047, F.S.; authorizing county commissions to adopt tax-deferral ordinances for recreational and commercial working waterfronts; providing a tax deferral for ad valorem taxes and non-ad valorem assessments covered by a tax certificate and levied on recreational and commercial working waterfronts; providing certain exceptions; specifying the rate of the deferral; providing that the taxes, assessments, and interest deferred constitute a prior lien on the property; providing an application process; providing notice requirements; providing for a decision of the tax collector to be appealed to the value adjustment board; providing for calculating the deferral; providing requirements for deferred payment tax certificates; providing for the deferral to cease if there is a change in the use of the property; requiring notice to the tax collector; requiring payment of deferred taxes, assessments, and interest under certain circumstances; authorizing specified parties to make a prepayment of deferred taxes; providing for distribution of payments; providing for construction of provisions authorizing the deferments; providing penalties; providing for a penalty to be appealed to the value adjustment board; amending s. 253.002, F.S.; clarifying provisions; amending s. 253.67, F.S.; providing definitions; amending s. 253.68, F.S.; conforming provisions; amending s. 253.74, F.S.; conforming provisions; providing a penalty; amending s. 253.75, F.S.; conforming provisions; providing an effective date.

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

CS for SB 1466—A bill to be entitled An act relating to vehicle crashes; creating the "Justin McWilliams 'Justice For Justin' Act"; amending s. 316.027, F.S.; revising provisions for a driver of a vehicle involved in a described crash to stop and remain at the scene of the crash; providing penalties; providing an effective date.

By the Committee on Regulated Industries; and Senators Clary, Diaz de la Portilla, Crist and Bennett—

CS for SB 1608—A bill to be entitled An act relating to architecture, landscape architecture, and interior design; amending s. 481.219, F.S.; revising provisions on architectural and interior design services certifications to include applicability to limited liability companies; amending s. 481.221, F.S.; requiring the Board of Architecture and Interior Design to prescribe, by rule, one or more forms of seals for use by a registered architect or interior designer who holds a valid certificate of registration; authorizing use of one seal and registration of the seal electronically; authorizing electronic transmission and sealing of final plans, specifications, or reports; prohibiting signing or sealing of final plans, specifications, or reports after expiration, suspension, or revocation of certificate of registration; requiring surrender of the seal upon suspension or revocation of the certificate of registration; amending s. 481.225, F.S.; revising grounds for disciplinary actions relating to the practice of architecture; amending s. 481.2251, F.S.; revising grounds for disciplinary proceedings relating to the practice of interior design; amending s. 481.229, F.S.; revising an exemption relating to interior design services and titles to include applicability to certain limited liability companies; amending s. 481.321, F.S.; requiring the Board of Landscape Architecture to prescribe, by rule, one or more forms of seals for use by a registered landscape architect who holds a valid certificate of registration; authorizing use of one seal and registration of the seal electronically; authorizing electronic transmission and sealing of final plans, specifications, or reports; prohibiting signing or sealing of final plans, specifications, or reports after expiration, suspension, or revocation of certificate of registration; requiring surrender of the seal upon suspension or revocation of the certificate of registration; reenacting s. 481.325(1)(a) and (3), F.S., relating to disciplinary proceedings against registered landscape architects, to incorporate the amendment to s. 481.321, F.S., in a reference thereto; providing an effective date.

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

CS for SB 1616—A bill to be entitled An act relating to insurable interests; amending s. 627.404, F.S.; authorizing a trust, partnership, limited liability company, or similar entity approved by a university meeting specified criteria to own or purchase life insurance on a consenting person; prescribing guidelines and requirements for such life insurance; requiring approval by the Department of Financial Services; providing an effective date.

By the Committee on Transportation; and Senator Peaden—

CS for SB 1850—A bill to be entitled An act relating to outdoor advertising; amending s. 479.106, F.S.; prohibiting the planting of trees or other vegetation that screens a sign from view; providing the criteria for a view zone; providing penalties for violation; amending s. 479.25, F.S.; authorizing the owner of a sign to increase the height of the sign under certain circumstances; deleting a requirement that certain signs be approved by the Federal Highway Administration; requiring that a reconstructed sign be in compliance with the Florida Building Code; requiring the department and local governmental entity to issue permits for reconstruction, notwithstanding rules or ordinances to the contrary; providing an effective date.

By the Committees on Commerce and Consumer Services; Transportation; and Senators Alexander and Hill—

CS for CS for SB 1874—A bill to be entitled An act relating to farm labor vehicles; amending s. 316.003, F.S.; revising and providing definitions; repealing s. 316.620, F.S., relating to transportation of migrant farm workers; creating s. 316.622, F.S.; requiring owners and operators of farm labor vehicles to conform such vehicles to certain standards; requiring seat belts at each passenger position in certain vehicles; requiring certain operators to display a certain sticker on the vehicle; requiring a certain sign to be displayed in the vehicle; providing a penalty; amending ss. 320.38, 322.031, and 450.181, F.S.; conforming provisions; amending s. 450.28, F.S.; revising a definition; amending s. 450.33, F.S.; conforming a cross-reference; requiring the department to issue a vehicle authorization sticker denoting the authorization of a vehicle for use in the transportation of farm workers; requiring the display of the sticker; providing an effective date.

By the Committee on Community Affairs; and Senator Sebesta—

CS for SB 1922—A bill to be entitled An act relating to public-records and public-meetings exemptions; amending s. 112.324, F.S.; providing an exemption from public-records requirements for a complaint of an alleged violation of part III of chapter 112, F.S., the Code of Ethics for Public Officers and Employees, or any other alleged breach of the public trust within the jurisdiction of a Commission on Ethics and Public Trust established by a municipality and records relating to such complaint or to any preliminary investigation held by the commission; providing an exemption from public-meetings requirements for any proceeding conducted by the commission pursuant to such complaint or preliminary investigation; providing conditions for termination of the exemptions; providing for review and repeal under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

By the Committee on Education; and Senator Lawson—

CS for SB 1968—A bill to be entitled An act relating to building designations; designating the Kleist Health Education Center and the Herbert J. and Margaret S. Sugden Hall at the Florida Gulf Coast University; designating the James and Annie Ying Academic Center and the Anthony and Sonja Nicholson Field House at the University of Central Florida; designating the Sybil C. Mobley Business Building, the Margaret W. Lewis/Jacqueline B. Beck Allied Health Building, the Walter L. Smith Architecture Building, and the Carrie Meek/James N. Eaton, Sr. Southeast Regional Black Archives Research Center and Museum at the Florida Agricultural and Mechanical University; designating the Powell Family Structures and Materials Laboratory, the Farrior

Hall, and the Steinbrenner Band Hall at the University of Florida; designating the James E. "Jim" and Linda King, Jr. Student Union Building at the University of North Florida; designating the John M. McKay Visitors Pavilion at the John and Mabel Ringling Museum of Art at the Florida State University Center for Cultural Arts; designating Reubin O'D. Askew Student Life Center, the Sherrill Williams Ragans Hall, the John Thrasher Building, the Mike Martin Field at Dick Houser Stadium, and the JoAnne Graf Softball Field at Florida State University; designating the Herbert F. Morgan Building at the Florida Agricultural and Mechanical University-Florida State University College of Engineering; authorizing the universities to erect markers; designating the Norman C. Hayslip Biological Control Research and Containment Laboratory at the University of Florida/IFAS in Ft. Pierce; providing an effective date.

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

CS for SB 1982—A bill to be entitled An act relating to public records exemptions; creating s. 559.5472, F.S.; creating an exemption from public records requirements for certain information relating to investigations and examinations by the Office of Financial Regulation of the Financial Services Commission; providing exceptions; providing construction; providing for future legislative review and repeal of such exemption; providing a statement of public necessity; providing a contingent effective date.

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

CS for SB 1984—A bill to be entitled An act relating to commercial and consumer collection practices; amending s. 559.543, F.S.; providing a definition; amending s. 559.544, F.S.; deleting provisions requiring registration as a commercial collection agency; specifying nonapplication of certain registration requirements to certain persons or entities; amending s. 559.545, F.S.; revising requirements and procedures for application for registration as a commercial collection agency; authorizing the Financial Services Commission to adopt rules; providing for fees; providing for amendments to and changes in registrations; authorizing the Office of Financial Regulation to deny registrations under certain circumstances; amending s. 559.546, F.S.; providing requirements and procedures for issuance of a corporate surety bond; creating ss. 559.5471, 559.5473, 559.5474, 559.5475, 559.5476, 559.5477, and 559.5479, F.S.; specifying powers and duties of the Office of Financial Regulation; providing procedures; providing for disposition of fees; authorizing the office to adopt rules; authorizing the office to issue subpoenas; providing requirements, procedures, and limitations; authorizing the office to assess certain investigation costs and expenses; authorizing the office to bring certain actions for injunctions to restrain certain violations; providing requirements and procedures; authorizing the office to issue certain cease and desist orders and take certain corrective actions for certain violations; authorizing the office to seek orders of restitution of certain funds; providing for admissibility of certain documents and materials of the office as evidence; requiring registrants to maintain certain records; providing requirements and procedures for maintaining such records; authorizing the office to adopt rules; authorizing the office to revoke or suspend registrations for certain activities by a registrant; providing requirements and procedures for termination of a registration; authorizing the office to impose administrative fines; providing requirements and limitations; providing guidelines for imposing administrative remedies or penalties; providing administrative guidelines for administrative penalties and remedies; amending s. 559.55, F.S.; revising definitions; providing additional definitions; amending s. 559.552, F.S.; revising provisions specifying the relationship of state and federal laws; providing construction; amending s. 559.553, F.S.; deleting provisions requiring registration as a consumer collection agency; specifying nonapplication of certain registration requirements to certain persons or entities; providing a definition; amending s. 559.555, F.S.; revising requirements and procedures for application for registration as a consumer collection agency; authorizing the Financial Services Commission to adopt rules; providing for fees; providing for amendments to and changes in registrations; authorizing the Office of Financial Regulation to deny registrations under certain circumstances; creating s. 559.556, F.S.; providing requirements and procedures for issuance of a corporate surety bond; amending s. 559.72, F.S.; specifying prohibited activities in collecting consumer debts; providing requirements for debt collectors communicat-

ing with certain persons; providing prohibitions and limitations; providing notification requirements; prohibiting false, deceptive or misleading representations by a debt collector; prohibiting unfair or unconscionable means of collecting debts; requiring debt collectors to provide certain notice to consumers in connection with collecting a debt; specifying required information; providing procedures and requirements for disputing a debt; providing procedures and requirements for payments on multiple debts; providing requirements for debt collectors bringing legal actions on a debt; prohibiting designing, compiling, and furnishing certain misleading forms; providing for liability for certain violations; amending s. 559.725, F.S.; revising provisions providing requirements and procedures for consumer complaints; creating ss. 559.726, 559.7262, 559.7263, 559.7264, and 559.7265, F.S.; specifying powers and duties of the Office of Financial Regulation; providing procedures; providing for disposition of fees; authorizing the office to adopt rules; authorizing the office to issue subpoenas; providing requirements, procedures, and limitations; authorizing the office to assess certain investigation costs and expenses; authorizing the office to bring certain actions for injunctions to restrain certain violations; providing requirements and procedures; authorizing the office to issue certain cease and desist orders and take certain corrective actions for certain violations; authorizing the office to seek orders of restitution of certain funds; providing for admissibility of certain documents and materials of the office as evidence; requiring registrants to maintain certain records; providing requirements and procedures for maintaining such records; authorizing the office to adopt rules; amending s. 559.730, F.S.; authorizing the office to revoke or suspend registrations for certain activities by a registrant; providing requirements and procedures for termination of a registration; authorizing the office to impose administrative fines; providing requirements and limitations; creating s. 559.735, F.S.; providing guidelines for imposing administrative remedies or penalties; amending s. 559.77, F.S.; specifying application of certain provisions of law; providing for priority of application; amending s. 559.785, F.S.; increasing criminal penalties for certain activities; specifying a criminal penalty for certain activities; authorizing the office to refer certain evidence to certain agencies for certain purposes; creating s. 559.786, F.S.; requiring the office to submit an annual report; specifying contents; repealing ss. 559.547 and 559.563, F.S., relating to void registrations; repealing s. 559.565, F.S., relating to enforcement actions against out-of-state consumer debt collectors; providing an appropriation; providing an effective date.

By the Committee on Regulated Industries; and Senator Posey—

CS for SB 2036—A bill to be entitled An act relating to liens on commercial real estate; creating part III of ch. 475, F.S., the “Commercial Real Estate Sales Commission Lien Act”; providing definitions; specifying conditions under which a broker is entitled to a lien upon the owner’s net proceeds from the disposition of commercial real estate for any commission earned by the broker under a brokerage agreement; providing that the lien cannot be assigned, enforced, or waived by anyone other than the broker; requiring disclosure; providing for the contents of the commission notice and delivery to certain parties; providing a form for the commission notice; providing that a lien may not be enforced if the notice is not delivered to certain parties; providing that the commission notice may be recorded; providing for expiration and extension under certain conditions; providing for release of the commission notice under certain conditions; providing the duties of the closing agent; requiring the closing agent to reserve an owner’s proceeds under certain conditions; providing for the release of proceeds under certain conditions; requiring deduction of certain costs from the proceeds; providing for interpleader or other legal proceedings sought by a closing agent to adjudicate certain rights; providing for the deposit of reserved proceeds in a court registry; providing for the discharge of the closing agent from further liability; providing for a civil action if a dispute arises concerning the proceeds; providing that the prevailing party may recover certain fees and costs incurred in a civil action; establishing the priority of a recorded commission notice; providing for the service of notice; providing that a buyer’s broker is not entitled to a lien; providing certain conditions under which a buyer’s broker may seek payment of a commission; creating part IV of ch. 475, F.S., the “Commercial Real Estate Leasing Commission Lien Act”; providing definitions; providing conditions under which a broker may place a lien upon an owner’s interest in commercial real estate for any commission earned under a brokerage agreement with respect to a lease of commercial real estate; providing that the lien cannot be assigned, enforced, or waived by anyone other than the broker; requiring disclosure; providing for the contents of the

lien notice; providing a form for the lien notice; providing that the lien notice may be recorded; providing that a lien may not be enforced if the broker fails to record the notice; providing for effectiveness of a recorded lien notice; providing for release of the lien notice under certain conditions; providing for expiration and extension under certain conditions; providing for foreclosure of a recorded lien under certain conditions; providing a form; providing for a civil action if a dispute arises concerning the proceeds; providing that the prevailing party may recover certain fees and costs incurred in a civil action; providing procedures to transfer a lien to a security; providing that the clerk of court may collect a service charge; providing for a subordination of a lien; amending s. 475.42, F.S.; providing that a broker may place a lien when allowed by law; providing an effective date.

By the Committee on Transportation; and Senator Garcia—

CS for SB 2040—A bill to be entitled An act relating to driver licensing; creating s. 322.073, F.S.; providing for the Department of Highway Safety and Motor Vehicles to issue driver licenses to certain foreign nationals who frequently visit the state; providing for expiration and renewal of the license; requiring submission of certain information to receive the license; authorizing the department to adopt rules; creating s. 322.075, F.S.; providing for the department to issue driving permits to certain foreign nationals who entered the country under specified circumstances; providing eligibility criteria; requiring the department to conduct criminal background checks; providing requirements for the permits; providing for period of validity; restricting validity to use in the state; providing for renewal; prohibiting certain use and providing penalties therefor; providing for seizure and cancellation of the permit under certain circumstances; providing for fees; authorizing the department to adopt rules; providing an effective date.

By the Committees on Commerce and Consumer Services; Communications and Public Utilities; and Senators Constantine and Clary—

CS for CS for SB 2068—A bill to be entitled An act relating to telecommunications; amending s. 364.01, F.S.; specifying the exclusive jurisdiction of the Florida Public Service Commission to regulate telecommunications companies; providing that state laws governing business and consumer protection be applied to communications activities that are not regulated by the commission; revising provisions governing the exclusive jurisdiction of the commission; creating s. 364.011, F.S.; specifying certain services that are exempt from oversight by the commission; creating s. 364.012, F.S.; requiring the commission to coordinate with federal agencies; providing that ch. 364, F.S., does not limit or modify certain duties of a local exchange carrier; creating s. 364.013, F.S.; requiring that broadband service remain free of state and local regulation; requiring that voice-over-Internet protocol remain free of regulation, except as specifically provided in ch. 364, F.S., or by federal law; amending s. 364.02, F.S.; defining the terms “broadband service” and “VoIP”; redefining the term “service”; amending s. 364.0361, F.S.; prohibiting a local government from regulating voice-over-Internet protocol regardless of the platform or provider; amending s. 364.10, F.S.; revising the income threshold for eligibility for Lifeline service; repealing s. 364.502, F.S., relating to video programming services; amending s. 364.335, F.S.; increasing to \$500 from \$250 the maximum allowable filing fee for certification of telecommunications carriers; amending s. 364.336, F.S.; authorizing the Public Service Commission to establish a minimum fee of up to \$1,000; authorizing different fees for different types of services provided by telecommunications companies; amending ss. 196.012, 199.183, 212.08, 290.007, 350.0605, 364.602, and 489.103, F.S.; conforming cross-references; providing clarification of rights of local governments and duties of cable service providers to comply with certain laws and regulations; providing an effective date.

By the Committee on Commerce and Consumer Services; and Senators Constantine, Pruitt, Clary and Campbell—

CS for SB 2074—A bill to be entitled An act relating to hydrogen energy technology; creating s. 377.801, F.S.; creating the Hydrogen Energy Technologies Act; creating s. 377.802, F.S.; providing legislative intent concerning the development and promotion of hydrogen energy

technologies; creating s. 377.803, F.S.; providing the purpose of the act; creating s. 377.804, F.S.; providing definitions; creating s. 377.805, F.S.; creating the Hydrogen Energy Technologies Grants Program within the Department of Environmental Protection to promote demonstration, commercialization, research, and development of hydrogen energy technologies; providing for matching grants to be made to specified entities; providing factors for the department to consider in awarding grants; authorizing the department to amend grant awards; requiring that the department report to the Governor and the Legislature on the grant program; amending s. 212.08, F.S.; providing a sales tax exemption for certain hydrogen energy technology projects; creating s. 213.053, F.S.; providing for information sharing between the Department of Revenue and the Department of Environmental Protection for purposes of the tax exemption and tax credit created by the act; amending s. 220.02, F.S.; providing for the priority of tax credits; creating s. 220.192, F.S.; creating a hydrogen energy technologies investment tax credit; defining terms; providing for a credit to be taken against the corporate income tax for a specified period; requiring that application be made to the Department of Environmental Protection for certification of eligibility for the credit; authorizing the Department of Environmental Protection to adopt rules; authorizing the Department of Revenue to perform audits and investigations; providing procedures for revoking or modifying the decision granting eligibility for the tax credit; authorizing the Department of Revenue to adopt rules; providing for expiration of the provisions authorizing the tax credit; amending s. 220.13, F.S.; allowing the adjustment of federal income in conformance with tax credits taken; amending s. 366.075, F.S.; authorizing the Public Service Commission to approve experimental or transitional rates to encourage the use of renewable energy; amending s. 366.8255, F.S.; authorizing an investor-owned electric utility to recover the costs of investments in hydrogen energy technologies incurred within a specified period; amending s. 633.022, F.S.; authorizing the State Fire Marshal to adopt uniform standards for hydrogen fueling, storage, and production facilities; providing an effective date.

By the Committees on Commerce and Consumer Services; Communications and Public Utilities; and Senator Constantine—

CS for CS for SB 2232—A bill to be entitled An act relating to telecommunications; amending s. 364.01, F.S.; specifying the exclusive jurisdiction of the Florida Public Service Commission to regulate telecommunications companies; providing that state laws governing business and consumer protection be applied to communications activities that are not regulated by the commission; revising provisions governing the exclusive jurisdiction of the commission; creating s. 364.011, F.S.; specifying certain services that are exempt from oversight by the commission; creating s. 364.012, F.S.; requiring the commission to coordinate with federal agencies; providing that ch. 364, F.S., does not limit or modify certain duties of a local exchange carrier; creating s. 364.013, F.S.; requiring that broadband service remain free of state and local regulation; requiring that voice-over-Internet protocol remain free of regulation, except as specifically provided in ch. 364, F.S., or by federal law; amending s. 364.02, F.S.; defining the terms “broadband service” and “VoIP”; redefining the term “service”; amending s. 364.0361, F.S.; prohibiting a local government from regulating voice-over-Internet protocol regardless of the platform or provider; amending s. 364.10, F.S.; revising the income threshold for eligibility for Lifeline service; repealing s. 364.502, F.S., relating to video programming services; amending s. 364.335, F.S.; increasing to \$500 from \$250 the maximum allowable filing fee for certification of telecommunications carriers; amending s. 364.336, F.S.; authorizing the Public Service Commission to establish a minimum fee of up to \$1,000; authorizing different fees for different types of services provided by telecommunications companies; amending ss. 196.012, 199.183, 212.08, 290.007, 350.0605, 364.602, and 489.103, F.S.; conforming cross-references; requiring providers to comply with certain laws; amending s. 364.051, F.S.; providing that damage to the equipment and facilities of a local exchange telecommunications as a result of a named tropical system constitutes a compelling showing of

changed circumstances to justify a rate increase; allowing such companies to petition for recovery of such costs and expenses; requiring the Public Service Commission to verify the intrastate costs and expenses for repairing, restoring, or replacing damaged lines, plants, or facilities; requiring the commission to determine whether the intrastate costs and expenses are reasonable; requiring a company to exhaust any storm-reserve funds prior to recovery from customers; providing that the commission may authorize adding an equal line-item charge per access line for certain customers; providing for a rate cap and providing the maximum number of months the rate may be imposed; providing a 12-month limit for the application; allowing recovery for more than one storm within the limit; providing an effective date.

By the Committee on Agriculture; and Senator Alexander—

CS for SB 2322—A bill to be entitled An act relating to total maximum daily loads; amending s. 403.067, F.S.; providing for the attainment of pollutant reductions for achievement of certain water quality standards in impaired waters; revising provisions for the allocation of allowable pollutant loads; authorizing the Department of Environmental Protection to adopt phased total maximum daily loads under certain conditions; providing for the development and implementation of basin management action plans in developing and implementing total maximum daily loads; revising provisions for the implementation of and compliance with total maximum daily loads; authorizing the department to adopt basin management action plans by order; revising provisions relating to verification by the department of best management practices whose implementation creates a presumption of compliance with certain water quality standards and a release of liability to the state for pollution remediation; revising provisions relating to reevaluation of best management practices when water quality problems occur; removing a provision specifying that provisions relating to the department’s verification or reevaluation of best management practices do not preclude authority of the department or the water management districts to require compliance with water quality standards or other specified requirements; authorizing rulemaking by the department to administer funds to implement the basin management action planning program and for other purposes in the section; requiring the department to submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives prior to adopting rules for pollutant trading; amending ss. 373.4595 and 570.085, F.S.; correcting cross-references; providing an effective date.

By the Committees on Banking and Insurance; Regulated Industries; and Senator Haridopolos—

CS for CS for SB 2346—A bill to be entitled An act relating to funeral and cemetery industry regulation; amending s. 316.1974, F.S.; providing for lighting equipment on certain non-law enforcement vehicles in a funeral procession; amending s. 497.005, F.S.; revising definitions; amending s. 497.101, F.S.; providing for eligibility for membership on the Board of Funeral, Cemetery, and Consumer Services; providing rule-making authority regarding application for board membership; amending s. 497.103, F.S.; revising authority of the Department of Financial Services to take emergency action; limiting the authority of the Chief Financial Officer; amending s. 497.140, F.S.; revising the time period for board reaction to department revenue projections; providing for future termination of certain assessments; providing for a late-renewal fee; amending s. 497.141, F.S.; revising licensure application procedures to provide for persons other than natural persons; clarifying when licenses may be issued to entities and to natural persons; clarifying the types of entities to which licenses may be issued; providing signature requirements; authorizing the licensing authority to adopt rules; restricting assignment or transfer of license; amending s. 497.142, F.S.; revising fingerprinting requirements; eliminating obsolete references; clarifying requirements as to disclosure of previous criminal records; revising which members of an entity applying for licensure are required to disclose their criminal records; providing for waiver of the fingerprint re-

quirements in certain circumstances; amending s. 497.143, F.S.; prohibiting preneed sales under a limited license; amending s. 497.144, F.S.; requiring a challenger to pay the costs for failure to appear at a challenge hearing; amending s. 497.149, F.S.; revising terminology; amending s. 497.151, F.S.; revising applicability; specifying what is deemed to be a complaint; amending s. 497.152, F.S.; revising disciplinary provisions; revising applicability in other jurisdictions; revising certain grounds for disciplinary action; specifying what is deemed to be a complaint; providing exceptions to remittance deficiency disciplinary infractions; amending s. 497.153, F.S.; providing for the use of consent orders in certain circumstances; amending s. 497.158, F.S.; revising fine amounts; amending s. 497.159, F.S.; revising criminal provisions relating to prelicensure examinations, willful obstruction, trust funds, and specified violations; providing penalties; revising what constitutes improper discrimination; amending s. 497.161, F.S.; removing a provision allowing board members to serve as experts in investigations; specifying standing of licensees to challenge rules; amending s. 497.165, F.S.; revising a standard for determining liability for a trust fund deficiency; amending s. 497.166, F.S.; specifying who may act as a preneed sales agent; providing responsibility of certain licensees; amending s. 497.169, F.S.; revising a provision for award of attorney's fees and costs in certain actions; creating s. 497.171, F.S.; providing requirements for the identification of human remains; amending s. 497.260, F.S.; revising what constitutes improper discrimination by cemeteries; amending s. 497.263, F.S.; revising the applicability of certain application procedures for licensure of cemetery companies; amending s. 497.264, F.S.; revising requirements relating to applicants seeking to acquire control of a licensed cemetery; amending s. 497.281, F.S.; revising requirements for licensure of burial rights brokers; amending s. 497.365, F.S.; requiring that certain fees be paid before an inactive license is renewed; amending s. 497.368, F.S.; revising grounds for issuance of licensure as an embalmer by examination; amending s. 497.369, F.S.; revising grounds for issuance of licensure as an embalmer by endorsement; amending s. 497.373, F.S.; revising grounds for issuance of licensure as a funeral director by examination; amending s. 497.374, F.S.; revising grounds for issuance of licensure as a funeral director by endorsement; amending s. 497.376, F.S.; revising authority to issue a combination license as a funeral director and embalmer; authorizes the licensing authority to establish certain rules; amending s. 497.378, F.S.; revising a license renewal fee; amending s. 497.380, F.S.; revising certain requirements for funeral establishments; providing requirements for reporting a change in location of the establishment; revising a license renewal fee; amending s. 497.385, F.S.; revising application requirements for licensure of a removal service or a refrigeration service; providing requirements for change in location of removal services and refrigeration services; authorizing the licensing authority to adopt certain rules for centralized embalming facility operations; revising application requirements for licensure of a centralized embalming facility; providing for inspection of centralized embalming facilities; providing for change in ownership and change in location of centralized embalming facilities; amending s. 497.453, F.S.; revising net worth requirements for preneed licensure; specifying authority to accept alternative evidence of financial responsibility in lieu of net worth regarding preneed licensure applicants; providing preneed license renewal fees for monument establishments; increasing the renewal fee for a branch license which is set by the Board of Funeral, Cemetery, and Consumer Services; revising grounds for issuance of a preneed branch license; amending s. 497.456, F.S.; revising use of the Preneed Funeral Contract Consumer Protection Trust Fund by the licensing authority; amending s. 497.458, F.S.; revising requirements to loan or invest trust funds; amending s. 497.466, F.S., relating to preneed sales agents; substantially revising provisions relating to licensure requirements; revising application procedures, fees, the issuance of a temporary preneed sales agent license, the conversion of such a license to a permanent preneed sales agent license, restrictions upon an applicant who has a criminal or disciplinary record, termination of a permanent license due to lack of appointments, procedures for appointing preneed sales agents and for renewing such an appointment, termination of appointments, fees, and administrative matters; providing responsibilities of preneed licensees for preneed sales agents; creating s. 497.468, F.S.; providing for disclosure of information to the public;

amending s. 497.550, F.S.; revising application requirements and procedures for licensure as a monument establishment; requiring that a monument establishment be licensed as a monument builder or as a monument dealer; exempting a monument dealer from a requirement to maintain certain facilities and from certain inspection requirements; requiring that a monument establishment obtain licensure as a monument builder in order to be eligible for a preneed sales license; amending s. 497.551, F.S.; revising requirements for renewal of monument establishment licensure; amending s. 497.552, F.S.; revising facility requirements for monument establishments; amending s. 497.553, F.S.; providing requirements for change of ownership and location of monument establishments; providing for an annual inspection fee; amending s. 497.554, F.S.; revising application procedure and renewal requirements for monument establishment sales representatives; deferring application of section; amending s. 497.555, F.S.; revising requirements for rules establishing minimum standards for access to cemeteries; amending s. 497.602, F.S.; revising application procedures for direct disposer licensure; amending s. 497.603, F.S.; revising the license renewal fee for a direct disposer; amending s. 497.604, F.S.; revising provisions concerning direct disposal establishment licensure and application for licensure and regulation of direct disposal establishments; amending s. 497.606, F.S.; revising provisions concerning cinerator facility licensure and application for licensure and regulation of cinerator facilities; amending s. 497.607, F.S.; providing for publication of rules regarding cremation by chemical means; authorizing the anatomical board of this state to provide for the final disposition of human remains delivered to the board as the board determines to be adequate and proper; amending s. 152, ch. 2004-301, Laws of Florida; specifying applicability of rules; amending s. 626.785, F.S.; revising a policy coverage limit; repealing s. 497.275, F.S., relating to identification of human remains in licensed cemeteries; repealing s. 497.388, F.S., relating to identification of human remains; repealing s. 497.556, F.S., relating to requirements relating to monument establishments; providing an effective date.

By the Committee on Environmental Preservation; and Senator Lawson—

CS for SB 2510—A bill to be entitled An act relating to natural resources; amending s. 380.23, F.S.; clarifying the list of federally licensed and permitted activities reviewed for consistency under the Florida Coastal Management Program; revising provisions relating to the licensing and relicensing of hydroelectric power plants; requiring the inclusion of National Environmental Policy Act documents in consistency reviews for certain activities; amending s. 380.06, F.S.; providing that heavy mineral mining at greater than 500 acres per year or consuming more than 3 million gallons of water per day requires review; amending s. 376.121, F.S.; providing an alternative to the compensation schedule for calculating natural resources damages; revising procedures relating to damage assessment; removing a restriction on the amount of compensation; providing an effective date.

By the Committee on Commerce and Consumer Services; and Senator Crist—

CS for SB 2520—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.031, F.S.; continuing in effect an exemption from the tax on rental or license fees which is provided for certain property rented, leased, or licensed by a convention or exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, or publicly owned recreational facility for a specified period; postponing the repeal of s. 212.031(10), F.S., relating to an exemption provided for certain charges imposed by a convention or exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, or publicly owned recreational facility upon a lessee or licensee; amending s. 212.04, F.S., relating to the tax on admissions; continuing in effect a provision that excludes certain service charges from the sale price or actual value of an admission; continuing in effect an exemption from the tax which is provided for admission charges to

an event sponsored by a governmental entity, sports authority, or sports commission for a specified period; continuing in effect provisions governing the remitting of certain admission taxes to the Department of Revenue; providing an effective date.

By the Committee on Commerce and Consumer Services; and Senators Alexander and Lynn—

CS for SB 2638—A bill to be entitled An act relating to the state minimum wage; amending s. 95.11, F.S.; providing periods of limitations on actions for violations of the Florida Minimum Wage Act; creating s. 448.110, F.S., the Florida Minimum Wage Act; providing legislative intent to implement s. 24, Art. X of the State Constitution in accordance with authority granted to the Legislature therein; requiring employers to pay certain employees a minimum wage for all hours worked in Florida; incorporating provisions of the federal Fair Labor Standards Act; requiring the minimum wage to be adjusted annually; providing a formula for calculating such adjustment; requiring the Agency for Workforce Innovation and the Department of Revenue to annually publish the amount of the initial and adjusted minimum wage; providing criteria for posting; requiring the agency to provide written notice to certain employers; providing a deadline for the notice to be mailed; providing that employers are responsible for maintaining their current addresses with the agency; requiring the agency to provide the department with certain information; prohibiting discrimination or adverse action against persons exercising constitutional rights under s. 24, Art. X of the State Constitution; providing for civil action by aggrieved persons; requiring aggrieved persons bringing civil actions to provide written notice to their employers alleged to have violated the act; providing information that must be included in the notice; providing a deadline by which an employer alleged to have violated the act must pay the unpaid wages in question or resolve the claim to the aggrieved person's satisfaction; providing a statute of limitations period; providing that aggrieved persons who prevail in their actions may be entitled to liquidated damages and reasonable attorney's fees and costs; authorizing additional legal or equitable relief for aggrieved persons who prevail in such actions; providing that punitive damages may not be awarded; providing that actions brought under the act are subject to s. 768.79, F.S.; authorizing the Attorney General to bring a civil action and seek injunctive relief; providing a fine; providing statutes of limitations; authorizing class actions; declaring the act the exclusive remedy under state law for violations of s. 24, Art. X of the State Constitution; providing for implementation measures; designating ss. 448.01-448.110, F.S., as part I of ch. 448, F.S.; providing a part title; providing for severability; providing an effective date.

By the Committee on Commerce and Consumer Services; and Senator Garcia—

CS for SB 2648—A bill to be entitled An act relating to pyramid promotional schemes; amending s. 849.091, F.S.; deleting a provision declaring pyramid sales schemes to be a lottery and providing a criminal penalty for participating in such schemes; creating s. 849.09105, F.S.; providing definitions; prohibiting establishing, promoting, operating, or participating in pyramid promotional schemes; providing limitations; providing construction; providing criminal penalties; providing an effective date.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed HB 411; has passed as amended HB 105, HB 531, HB 763,

HB 841, HB 913, HB 951, HB 1877 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Kravitz and others—

HB 411—A bill to be entitled An act relating to the Criminal Punishment Code; amending s. 921.0022, F.S.; including offenses involving the possession of photographic material containing sexual conduct by a minor, the transmission of pornography by electronic device, and the transmission to a minor of material harmful to minors by electronic device within the offense severity ranking chart of the Criminal Punishment Code; reclassifying within the offense severity ranking chart the offense of soliciting a child by a computer service to commit an unlawful sexual act, which is a felony of the third degree, to increase the penalty imposed for that offense; providing an effective date.

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

By Representative Llorente and others—

HB 105—A bill to be entitled An act relating to life insurance and annuity contracts; amending s. 624.402, F.S.; providing that a certificate of authority is not required of insurers domiciled outside the United States for certain life insurance policies or annuity contracts covering only persons who are not residents of the United States and are not nonresidents illegally residing in the United States; providing criteria, requirements, and limitations; requiring the insurer to disclose certain information; providing for the Office of Insurance Regulation to determine when the insurer is no longer eligible for the exemption; providing an exemption from certain taxes; requiring life insurance applications and policies and annuity contracts to provide certain disclosure statements; specifying application of certain provisions to single-premium life insurance policies and single-premium annuity contracts issued to certain nonresidents; providing an effective date.

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

By Representative Hasner and others—

HB 531—A bill to be entitled An act relating to certificates of release for mortgages; creating s. 701.041, F.S.; providing definitions; providing for the issuance of a certificate of release for a mortgage by a title insurer or its authorized agent for certain purposes; providing for recordation; specifying contents of a certificate of release; requiring execution, acknowledgment, and recordation of a certificate of release by certain entities; providing requirements for appointment of an agent for execution purposes; providing for effect of a certificate of release; providing for liability of title insurers under certain circumstances; providing criteria for recording multiple certificates of release; providing application; requiring the Financial Services Commission to adopt rules establishing an actuarially sound premium charge for certificates of release; repealing s. 701.05, F.S., relating to failing or refusing to satisfy a lien and punishment therefor; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Judiciary.

By Representative Troutman and others—

HB 763—A bill to be entitled An act relating to critical access hospitals; amending s. 395.002, F.S.; revising the definition of "hospital" to provide an exception with regard to facilities offered by a critical access

hospital; revising the definition of “intensive residential treatment programs for children and adolescents” to include additional accrediting organizations for purposes of licensure of such programs; correcting a cross reference; amending s. 395.003, F.S.; extending the moratorium on approving additional emergency departments located off the premises of licensed hospitals; providing for additional accrediting organizations for purposes of licensure of intensive residential treatment programs; correcting a cross reference; amending s. 395.602, F.S.; revising the definition of “rural hospital” to conform to changes made by the act; amending s. 408.07, F.S.; defining the term “critical access hospital”; revising the definition of “rural hospital”; amending ss. 408.061, 458.345, and 459.021, F.S.; conforming cross references; providing an effective date.

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

By Representative Attkisson and others—

HB 841—A bill to be entitled An act relating to the state lottery; amending s. 24.115, F.S.; providing for the deposit of a percentage of unclaimed prize money in the Educational Enhancement Trust Fund; authorizing use of such funds subject to appropriations; amending s. 24.121, F.S.; revising provisions relating to the allocation of revenues for public education; amending s. 1010.70, F.S.; conforming provisions; providing an effective date.

—was referred to the Committees on Regulated Industries; Government Efficiency Appropriations; and Ways and Means.

By Representative Culp and others—

HB 913—A bill to be entitled An act relating to littering; amending s. 403.413, F.S.; revising the prohibition against dumping litter on private property; increasing the civil penalty for littering; dedicating a portion of the increase to the Solid Waste Management Trust Fund; providing an effective date.

—was referred to the Committees on Environmental Preservation; and Government Efficiency Appropriations.

By Representative Carroll—

HB 951—A bill to be entitled An act relating to the Florida Small Cities Community Development Block Grant Program; amending s. 290.0411, F.S.; revising legislative intent; amending s. 290.044, F.S.; revising grant program categories; eliminating the requirement for distribution of certain categorical funds to be established by the Legislature; authorizing the Department of Community Affairs to allocate funds for emergency and natural disaster related activities; providing an effective date.

—was referred to the Committees on Community Affairs; and Transportation and Economic Development Appropriations.

By the Committee on Criminal Justice; and Representatives Kravitz, Dean, Rice and others—

HB 1877—A bill to be entitled An act relating to sexual predators and sexual offenders; providing a popular name; amending s. 216.136, F.S.; assigning an additional responsibility to the Criminal Justice Estimating Conference; amending s. 775.082, F.S.; providing for specified sentencing of persons convicted of the life felony offense in s. 800.04(5)(b), F.S.; creating s. 775.0821, F.S.; creating a felony offense for removing, altering, or failing to maintain an electronic monitoring device for the purpose of committing a crime; providing criminal penalties; amending s. 775.21, F.S.; revising criteria for sexual predator designation; requiring certain notification of sentence; providing for electronic monitoring;

extending period for petition to remove sexual predator designation; creating s. 775.235, F.S.; prohibiting the harboring of a sexual predator or sexual offender; providing criminal penalties; amending s. 800.04, F.S.; providing that it is a life felony for an offender 18 years of age or older to commit lewd or lascivious molestation against a victim younger than 12 years of age; amending s. 921.0022, F.S.; revising ranking for certain offenses involving sexual predators and sexual offenders failing to comply with registration requirements; ranking offenses involving sexual predators and sexual offenders failing to comply with registration and other requirements; amending s. 921.141, F.S.; creating an aggravating circumstance pertaining to sexual predators for purposes of imposing the death penalty; amending s. 943.043, F.S.; requiring the Department of Corrections to share information with local law enforcement agencies to assist in determining the potential whereabouts of registered sexual predators and sexual offenders; amending s. 943.0435, F.S.; revising provisions relating to sexual offender registration; creating s. 943.04352, F.S.; requiring a search of the sexual offender and sexual predator registry by entities providing probation services; amending s. 944.606, F.S.; requiring the Department of Corrections to provide information regarding electronic monitoring to the Department of Law Enforcement; amending s. 944.607, F.S.; requiring sexual offenders sentenced to electronic monitoring to provide such information to the Department of Corrections and for such department to provide that information to the Department of Law Enforcement; amending s. 947.1405, F.S.; requiring sexual offenders and sexual predators on conditional release to be placed on electronic monitoring; requiring the Parole Commission to order sexual offenders and sexual predators on conditional release to be returned to prison until expiration of sentence for any material violation of supervision; creating s. 947.1406, F.S.; providing requirements for electronic monitoring of sexual offenders and sexual predators on conditional release; amending s. 948.06, F.S.; requiring electronic monitoring for any violation of probation or community control supervision by certain offenders and sexual predators; creating s. 948.061, F.S.; requiring the Department of Corrections to develop a risk assessment and alert system to monitor certain offenders placed on probation or community control; authorizing the department to adopt rules; requiring the department to have fingerprint-reading equipment and capability by a specified date; amending s. 948.11, F.S.; providing requirements for electronic monitoring of sexual offenders and sexual predators on community control or probation; amending s. 948.30, F.S.; requiring sexual offenders and sexual predators on community control or probation to be placed on electronic monitoring; requiring a study by the Office of Program Policy Analysis and Governmental Accountability of the effectiveness of Florida’s sexual predator and sexual offender registration process and community and public notification provisions; providing for severability; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; Justice Appropriations; Ways and Means; and Rules and Calendar.

RETURNING MESSAGES—FINAL ACTION

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed SB 356, SB 538, SB 724, SB 904 and SB 1440.

John B. Phelps, Clerk

The bills contained in the foregoing messages were ordered enrolled.

CONFEREES APPOINTED

The President appointed the following conferees on **SB 2600, SB 2602, CS for SB 388, CS for SB 392, CS for SB 394, CS for SB 400, CS for CS for SB 404, CS for SB 408, CS for SB 410, CS for SB 424 and CS for SB 2584**: Committee on Ways and Means: Senator Carlton, Chair; Committee on Education Appropriations: Senator Alexander, Chair; Senators Bullard, Constantine, King, Klein, Lynn, Miller and

Wise; Committee on General Government Appropriations: Senator Clary, Chair; Senators Baker, Garcia and Lawson; Committee on Health and Human Services Appropriations: Senator Saunders, Chair; Senators Bennett, Dawson, Jones, Peaden, Pruitt, Rich and Wilson; Committee on Justice Appropriations: Senator Crist, Chair; Senators Argenziano, Aronberg, Siplin, Smith and Villalobos; Committee on Transportation and Economic Development Appropriations: Senator Fasano, Chair; Senators Dockery, Hill, Margolis, Sebesta and Webster.

ENROLLING REPORTS

CS for CS for SB 436 has been enrolled, signed by the required Constitutional Officers and presented to the Governor on April 20, 2005.

Faye W. Blanton, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journals of April 14 and April 19 were corrected and approved.

CO-INTRODUCERS

Senators Baker—CS for SB 770, SB 1658; Crist—SB 792, SB 818; Dockery—CS for SB 1324, SB 1658, SB 2190; Haridopolos—SB 1658; Lynn—CS for SB 482, CS for SB 748, CS for CS for SB 1216, SB 1678, CS for CS for SB 1874, CS for CS for SB 1910; Peaden—CS for SB 1324; Posey—SB 818, SB 2176; Villalobos—CS for SB 1324; Wilson—SB 818, SB 1620; Wise—SR 1234

RECESS

On motion by Senator Pruitt, the Senate recessed at 4:12 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 2:00 p.m., Thursday, April 21 or upon call of the President.

BILL ACTION SUMMARY

WEDNESDAY, APRIL 20, 2005

- S 186 Read second time
S 252 Read second time
S 254 Adopted
S 260 Adopted
S 262 Adopted
S 264 Adopted
S 296 Adopted
S 316 Read second time; Substituted HB 411; Laid on Table, refer to HB 411
S 328 Read second time
S 334 Read second time

- S 482 Substituted HB 841; Laid on Table, refer to HB 841
S 572 Read second time
S 574 Read second time
S 626 Read second time
S 656 Read second time
S 670 Read second time
S 718 Read second time
S 770 Substituted HB 385; Laid on Table, refer to HB 385
S 1010 Read second time; Recalled from Engrossing
S 1078 Adopted
S 1080 Adopted
S 1094 Read second time
S 1118 Read second time
S 1122 Read second time
S 1156 Adopted
S 1216 Read second time; Substituted HB 1877; Laid on Table, refer to HB 1877
S 1244 Read second time
S 1258 Substituted HB 531; Laid on Table, refer to HB 531
S 1318 Read second time
S 1320 Read second time
S 1438 Read second time
S 1446 Read second time
S 1472 Substituted HB 763; Laid on Table, refer to HB 763
S 1508 Substituted HB 105; Laid on Table, refer to HB 105
S 1512 Read second time
S 1562 Adopted
S 1600 Read second time
S 1678 Read second time
S 1722 Read second time
S 1774 Read second time
S 1868 Read second time
S 2196 Read second time
S 2228 Read second time
S 2284 Read second time
S 2296 Read second time
S 2574 Read second time
S 2694 Adopted
S 2742 Adopted
S 2752 Adopted
S 2766 Adopted
S 2768 Adopted
H 105 Substituted for CS for SB 1508; Read second time; Read third time; Passed 39-0
H 149 Pending amendment withdrawn
H 385 Substituted for CS for SB 770; Read second time
H 411 Substituted for CS for SB 316; Read second time
H 531 Substituted for CS for CS for SB 1258; Read second time
H 763 Substituted for CS for CS for SB 1472; Read second time
H 841 Substituted for CS for SB 482; Read second time
H 1877 Substituted for CS for CS for SB 1216; Read second time

JOURNAL OF THE SENATE

Daily Indices for
April 20, 2005

NUMERIC INDEX

BA — Bill Action
BP — Bill Passed
CO — Co-Introducers
CR — Committee Report

CS — Committee Substitute, First Reading
FR — First Reading
MO — Motion

SB 112	(CR) 524	CS/CS/SB 1002	(CS) 527
CS/CS/SB 186	(BA) 506, (CR) 523	CS/SB 1002	(CR) 525
SB 188	(CR) 524	CS/CS/CS/SB 1010	(BA) 507, (BA) 523, (CR) 523
CS/CS/SB 192	(CS) 526	SB 1024	(CR) 524
CS/SB 192	(CR) 525	SB 1070	(CR) 524
CS/SB 216	(CR) 524	SR 1078	(BP) 481, (FR) 481
SB 252	(BA) 507, (BA) 510, (CR) 523	SR 1080	(BP) 481, (FR) 481
SR 254	(BP) 479, (FR) 479	CS/SB 1094	(BA) 506, (CR) 523
SR 260	(FR) 479, (BP) 480	CS/SB 1118	(BA) 507, (CR) 523
SR 262	(BP) 480, (FR) 480	SB 1122	(BA) 507, (CR) 523
SR 264	(BP) 480, (FR) 480	CS/SB 1142	(CS) 527
SB 288	(MO) 523	SB 1142	(CR) 525
SR 296	(BP) 480, (FR) 480	SR 1156	(BP) 481, (FR) 481
CS/SB 316	(BA) 486, (BA) 509, (BA) 510, (CR) 523	SB 1158	(CR) 523
CS/CS/SB 328	(BA) 507, (BA) 510, (CR) 523	CS/SJR 1190	(CS) 528
CS/SB 332	(MO) 523, (CR) 524	SJR 1190	(CR) 525
CS/CS/SB 334	(BA) 504, (CR) 523	CS/CS/SB 1216	(BA) 487, (BA) 503, (BA) 510, (BA) 511, (CR) 523, (CO) 535
CS/SB 348	(BA) 504, (CR) 523	SR 1234	(CO) 535
CS/CS/SB 360	(CS) 526	SB 1242	(CR) 524
CS/SB 360	(CR) 525	CS/SB 1244	(BA) 506, (CR) 523
CS/SB 388	(NC) 534	CS/CS/SB 1258	(BA) 505, (CR) 523
CS/SB 392	(NC) 534	CS/SB 1264	(CR) 524
CS/SB 394	(NC) 534	CS/SB 1288	(CR) 524
CS/SB 400	(NC) 534	SJR 1292	(CR) 524
CS/CS/SB 404	(NC) 534	CS/SB's 1296 and CS/SB 2066	(CS) 528
CS/SB 408	(NC) 534	Senate Bills 1296 and 2066	(CR) 525
CS/SB 410	(NC) 534	CS/SB 1308	(MO) 523
CS/SB 424	(NC) 534	CS/CS/SB 1316	(CS) 528
CS/SB 482	(BA) 486, (CR) 523, (CO) 535	CS/SB 1316	(CR) 525
CS/SB 496	(CS) 526	CS/SB 1318	(BA) 505, (CR) 523
SB 496	(CR) 525	CS/SB 1320	(BA) 486, (CR) 523
CS/CS/SB 572	(BA) 505, (CR) 523	CS/SB 1324	(CO) 535
SB 574	(BA) 509, (BA) 523, (CR) 523	SB 1374	(CR) 524
CS/SB 594	(CS) 526	CS/SB 1416	(MO) 523, (CR) 524
SB 594	(CR) 525	CS/SB 1438	(BA) 506, (CR) 523
CS/CS/SB 626	(BA) 509, (CR) 523	SB 1444	(CR) 524
CS/CS/SB 632	(CS) 526	CS/CS/SB 1446	(BA) 503, (CR) 523
CS/SB 632	(CR) 525	CS/SB 1466	(CS) 528
CS/CS/SB 634	(CS) 527	SB 1466	(CR) 525
CS/SB 634	(CR) 525	CS/CS/SB 1472	(BA) 505, (CR) 523
CS/SB 656	(BA) 506, (BA) 507, (CR) 523	CS/SB 1508	(BA) 483
SB 670	(BA) 509, (CR) 523	SB 1512	(BA) 487, (CR) 523
CS/SB 680	(MO) 523	SR 1562	(FR) 481, (BP) 482
CS/SB 718	(BA) 503, (CR) 523	SB 1568	(CR) 524
SB 726	(MO) 523	SB 1576	(CR) 524
CS/SB 748	(CO) 535	CS/SB 1600	(BA) 486, (BA) 487, (CR) 523
SB 764	(CR) 524	CS/SB 1608	(CS) 528
CS/SB 770	(BA) 508, (CR) 523, (CO) 535	SB 1608	(CR) 525
SB 792	(CO) 535	SB 1612	(CR) 524
SB 818	(CO) 535	CS/SB 1616	(CS) 529
SB 870	(CR) 524	SB 1616	(CR) 525
CS/SB 898	(CR) 524	SB 1620	(CO) 535
CS/SB 902	(CS) 527	CS/SB 1624	(CR) 524
SB 902	(CR) 525	SB 1644	(CR) 524
CS/SB 970	(CS) 527	SB 1658	(CO) 535
SB 970	(CR) 525	SB 1678	(BA) 505, (CR) 523, (CO) 535
CS/SB 976	(CS) 527	CS/SB 1704	(CR) 524
SB 976	(CR) 525		

JOURNAL OF THE SENATE

CS/SB 1722 (BA) 507, (BA) 510, (CR) 523	CS/SB 2228 (BA) 503, (CR) 523
CS/SB 1732 (CR) 524	CS/CS/SB 2232 (CS) 531
SB 1746 (CR) 524	CS/SB 2232 (CR) 525
CS/SB 1774 (BA) 504, (CR) 523	SB 2268 (CR) 524
SB 1790 (CR) 524	CS/SB 2284 (BA) 503, (BA) 504, (CR) 523
SB 1800 (CR) 524	SB 2296 (BA) 504, (BA) 505, (CR) 523
CS/SB 1808 (CR) 524	CS/SB 2322 (CS) 531
SB 1820 (CR) 524	SB 2322 (CR) 525
CS/SB 1850 (CS) 529	SB 2340 (CR) 524
SB 1850 (CR) 525	SB 2344 (CR) 524
CS/SB 1868 (BA) 503, (CR) 523	CS/CS/SB 2346 (CS) 531
CS/CS/SB 1874 (CS) 529, (CO) 535	CS/SB 2346 (CR) 525
CS/SB 1874 (CR) 525	SB 2460 (CR) 524
CS/CS/SB 1910 (CO) 535	CS/SB 2510 (CS) 532
CS/SB 1922 (CS) 529	SB 2510 (CR) 525
SB 1922 (CR) 525	CS/SB 2516 (CR) 524
SB 1928 (CR) 523	CS/SB 2520 (CS) 532
CS/SB 1968 (CS) 529	SB 2520 (CR) 525
SB 1968 (CR) 525	SB 2574 (BA) 505, (BA) 506, (CR) 523
SB 1972 (CR) 524	CS/SB 2584 (NC) 534
CS/SB 1982 (CS) 529	SB 2600 (NC) 534
SB 1982 (CR) 525	SB 2602 (NC) 534
CS/SB 1984 (CS) 529	SB 2620 (CR) 524
SB 1984 (CR) 525	CS/SB 2638 (CS) 533
SB 1998 (CR) 524	SB 2638 (CR) 525
SB 2000 (CR) 524	CS/SB 2648 (CS) 533
SB 2002 (CR) 524	SB 2648 (CR) 525
CS/SB 2006 (CR) 524	SR 2694 (BP) 482, (FR) 482
SB 2032 (CR) 524	SR 2742 (BP) 482, (FR) 482
CS/SB 2036 (CS) 530	SR 2752 (FR) 482, (BP) 483
SB 2036 (CR) 525	SR 2766 (BP) 483, (FR) 483
CS/SB 2040 (CS) 530	SR 2768 (BP) 483, (FR) 483
SB 2040 (CR) 525	
CS/CS/SB 2068 (CS) 530	HB 77 (BA) 484
CS/SB 2068 (CR) 525	HB 105 (BA) 483, (BP) 483, (FR) 533
CS/SB 2072 and SB 1714 (CR) 524	HB 149 (BA) 484, (BA) 486, (CR) 523
CS/SB 2074 (CS) 530	HB 385 (BA) 507, (BA) 508, (BA) 509
SB 2074 (CR) 525	HB 411 (BA) 509, (BA) 510, (FR) 533
SB 2076 (CR) 524	HB 531 (BA) 505, (FR) 533
SB 2110 (CR) 523	HB 763 (BA) 505, (FR) 533
SB 2130 (CR) 524	HB 841 (BA) 486, (FR) 534
SB 2148 (CR) 524	HB 913 (FR) 534
SB 2176 (CO) 535	HB 951 (FR) 534
CS/SB 2178 (MO) 523	HB 1877 (BA) 511, (BA) 523, (FR) 534
SB 2190 (CO) 535	HB 1889 (BA) 503, (CR) 523
CS/SB 2196 (BA) 503, (CR) 523	HB 1899 (BA) 503, (CR) 523

SUBJECT INDEX

Bills on Third Reading 483	Motions 523
Call to Order 479	Motions Relating to Committee Meetings 523
Co-Introducers 535	Motions Relating to Committee Reference 523
Committee Substitutes, First Reading 526	Reports of Committees 523
Conference Committee Appointments 534	Resolutions 479
Enrolling Reports 535	Special Guests 483
House Messages, Final Action 534	Special Order Calendar 484
House Messages, First Reading 533	

FLORIDA SENATE
TALLAHASSEE, FLORIDA 32399-1100