



Journal of the Senate

Number 7—Regular Session

Wednesday, March 29, 2006

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CALL TO ORDER

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

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

PRAYER

The following prayer was offered by Pastor Randy White, Without Walls International Church, Tampa:

Mighty God, our creator, and ruler of this great nation, we honor you today for your goodness, your love, and your mercy towards us.

We give you thanks for these great men and women, who by your divine providence bear the enormous responsibility and privilege of leading this great State of Florida.

We invite your wisdom to rest on everyone assembled here. Bless our Senators with vision, foresight, and with clarity of purpose as they carry out their duties. Inspire, guide, and direct them in the ways of integrity, peace and righteousness.

Help them to pursue justice for all people—regardless of race, religion, gender, and economic status, so that human rights may be safeguarded, and the sanctity of life preserved.

We pray for your divine protection over our borders and our ports. Have mercy, O Lord, on the State of Florida as we face yet another hurricane season—shield and protect us as we look to you, our shelter in the time of storm.

We pray that the decisions made by this body today and always, will transcend political affiliation, that they will be more far reaching than personal preferences, and that they will be a reflection of your compassion and love.

Hear our prayer. Amen.

PLEDGE

Senate Pages Stephen Hartnett III of Clearwater; Stephanie Issac of Loxahatchee; Brian Bole and Grady Bridges of the 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. Stephen Rosenberg of West Palm Beach, sponsored by Senator Atwater, as doctor of the day. Dr. Rosenberg specializes in Dermatology.

ADOPTION OF RESOLUTIONS

At the request of Senator Miller—

By Senator Miller—

SR 1028—A resolution recognizing St. Petersburg on being selected one of the One Hundred Best Communities in America for Young People.

WHEREAS, this year “America’s Promise - The Alliance for Youth” teamed up with Capital One Financial Corporation in a first-ever national competition to identify the best communities in America for young people, and

WHEREAS, the criteria by which communities were to be judged included community support of children and youth, resources provided to children and youth in the community, and consequent outcomes for children and youth, and

WHEREAS, these criteria were based on the following five promises to children - caring adults, safe places, a healthy start, effective education, and opportunities to help others, and

WHEREAS, St. Petersburg met all these criteria to become designated one of the One Hundred Best Communities for Young People in the nation, NOW, THEREFORE,

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

That the Senate recognizes and commends the achievements of the City of St. Petersburg in providing a caring, safe, healthy, and supportive environment for children and young people and applauds its consequent recognition in receiving this honor.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Mayor Rick Baker of the City of St. Petersburg.

—**SR 1028** was introduced, read and adopted by publication.

At the request of Senator Miller—

By Senator Miller—

SR 2372—A resolution recognizing Garrett Johnson on his selection as a Rhodes Scholar.

WHEREAS, Garrett Johnson, an outstanding scholar-athlete at Florida State University has been selected for a prestigious Rhodes Scholarship to Oxford University, to begin in the fall of 2006, and

WHEREAS, Mr. Johnson is widely known for his accomplishments in track and field, was named USTCA Athlete of the Week for his performance at the 2005 Florida Intercollegiate Championships, placed second at the ACC Indoor Championships, and earned All-American honors at the NCAA Indoor National Championships in March 2005, and

WHEREAS, completing his collegiate education in just 3 years at Florida State University, Mr. Johnson graduated with a double major in Political Science and English, earning a GPA of 3.82, and entered the Master's program in Public Administration in September 2005, and

WHEREAS, Mr. Johnson earned FSU's Golden Torch Award for having the highest GPA of any member of the men's track and field team, was named the 2005 Arthur Ashe, Jr., Sport Scholar, and is a member of the Phi Theta Kappa Collegiate Honor Society and the National Society of Collegiate Scholars, and

WHEREAS, simultaneously, with his graduate studies in Public Administration, Mr. Johnson is also a legislative assistant in the Governor's Office, where he serves on several committees, including the Governor's Haiti Advisory Council and has worked as the assistant to the director of the Governor's Haiti Advisory Group, and

WHEREAS, Garrett Johnson's exceptional accomplishments as a scholar-athlete are matched by his energetic dedication to public service, and his selection as a Rhodes Scholar brings well-deserved recognition to him and great distinction to this state, NOW, THEREFORE,

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

That the Florida Senate applauds and commends the excellence of Garrett Johnson's performance as a scholar and an athlete and his valuable contributions to the legislative and governmental process, and congratulates him on his selection as a Rhodes Scholar.

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

—**SR 2372** was introduced, read and adopted by publication.

At the request of Senator King—

By Senator King—

SR 2792—A resolution recognizing March 29, 2006, as "FSU Day."

WHEREAS, the Tallahassee campus of Florida State University is the oldest continuous site of higher education in Florida, and was the site of the state's first chapter of Phi Beta Kappa, chartered in 1935, and

WHEREAS, in 1994, the Florida State University joined an elite group of the nation's top research universities, being designated as a "Research I" institution by the Carnegie Foundation, and

WHEREAS, today Florida State University offers graduate and undergraduate degrees in 565 fields within 17 independent colleges and schools, taught by a faculty of 1,897 members, which has included 10 National Academy of Sciences members and 6 Nobel Laureates, and

WHEREAS, the Florida State University houses the National High Magnetic Field Laboratory, which uses the world's most powerful magnet to conduct research into the frontiers of science and engineering technologies for a new century, and

WHEREAS, the Florida State University recently graduated its second Rhodes Scholar, Garrett Johnson, who was one of only 32 students in the United States to receive this distinguished award, and

WHEREAS, the fully accredited Florida State University College of Medicine, the first new M.D. program to be established in the United States since 1982, graduated its inaugural class, and currently has 223 medical students and 5 Ph.D. students enrolled, and

WHEREAS, the college experience at Florida State University continues to enrich the lives of students due to the long-standing tradition of promoting racial, ethnic, and cultural diversity on its campus along with the aggressive recruitment of diverse groups of students, NOW, THEREFORE,

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

That the Senate recognizes March 29, 2006, as "FSU Day" in Tallahassee and congratulates Florida State University on its contributions as an outstanding institution of higher education in Florida.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Dr. T. K. Wetherell, President of Florida State University, as a tangible token of the sentiments of the Florida Senate.

—**SR 2792** was introduced, read and adopted by publication.

At the request of Senator Wilson—

By Senator Wilson—

SR 2800—A resolution recognizing Zachary Sandoval on receiving a Prudential Spirit of Community Award.

WHEREAS, Zachary Sandoval, a resident of Miami Shores and a student at Dr. Michael M. Krop Senior High School, has achieved national recognition for exemplary volunteer service in receiving a 2006 Prudential Spirit of Community Award, and

WHEREAS, this prestigious award, presented by Prudential Financial in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities, and

WHEREAS, Mr. Sandoval earned this award by creating, when he was in 8th grade, an after-school science-education program for inner-city children which now operates in six schools and four libraries involving approximately 45 student volunteers, and

WHEREAS, Mr. Sandoval's program provides science classes, audiotapes, a website, books and supplies and produces a newsletter, greatly enhancing the educational experiences and opportunities of many students in the Miami Shores community, and

WHEREAS, the strength of our young people and communities, the success of the State of Florida, and the overall vitality of American society depend in great measure upon the inspiration and hard work of young people such as Zachary Sandoval who use their considerable talents and energies to serve others, NOW, THEREFORE,

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

That the Senate congratulates and honors Mr. Zachary Sandoval as a recipient of a Prudential Spirit of Community Award; recognizes his outstanding record of volunteer service, peer leadership, and community spirit; and extends best wishes for his continued success.

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

—**SR 2800** was introduced, read and adopted by publication.

BILLS ON THIRD READING

CS for SB 640—A bill to be entitled An act relating to luring or enticing a child; amending s. 787.025, F.S.; defining the term "convicted"; providing that a person 18 years of age or older who intentionally lures or entices, or attempts to lure or entice, a child under the age of 12 into a structure, dwelling, or conveyance for other than a lawful purpose commits a misdemeanor of the first degree; providing criminal penalties; providing that a person who has previously been convicted of this offense and who intentionally lures or entices, or attempts to lure or entice, a child under the age of 12 into a structure, dwelling, or conveyance for other than a lawful purpose commits a felony of the third degree; providing criminal penalties; deleting a presumption regarding

what constitutes other than a lawful purpose; amending ss. 775.21, 794.0115, 943.0435, 944.606, 944.607, and 948.32, F.S.; conforming cross-references; amending s. 901.15, F.S.; authorizing a law enforcement officer to arrest a person without a warrant if there is probable cause to believe that the person is intentionally luring or enticing, or attempting to lure or entice, a child under the age of 12 into a structure, dwelling, or conveyance for other than a lawful purpose; providing an effective date.

—was read the third time by title.

On motion by Senator Miller, **CS for SB 640** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Crist

On motion by Senator Baker, by two-thirds vote **HB 281** was withdrawn from the Committees on Transportation; and Transportation and Economic Development Appropriations.

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

HB 281—A bill to be entitled An act relating to specialty license plates; amending s. 320.08056, F.S.; revising the annual use fee for the Florida Sheriffs Youth Ranches license plate; providing annual use fees for certain plates; amending s. 320.08058, F.S.; creating the A State of Vision license plate and the Future Farmers of America license plate; providing for the distribution of annual use fees received from the sale of such plates; providing an effective date.

—a companion measure, was substituted for **SB 548** and by two-thirds vote read the second time by title.

Senator Baker moved the following amendment which was adopted:

Amendment 1 (675102)(with title amendment)—Delete everything after the enacting clause and insert:

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

320.08056 Specialty license plates.—

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

(eee) *A State of Vision license plate, \$25.*

Section 2. Subsection (57) is added to section 320.08058, Florida Statutes, to read:

320.08058 Specialty license plates.—

(57) *A STATE OF VISION LICENSE PLATES.*—

(a) *Notwithstanding the provisions of s. 320.08053, the department shall develop an A State of Vision license plate as provided in this section.*

A State of Vision license plates must bear the colors and design approved by the department. The word “Florida” must appear at the top of the plate, and the words “A State of Vision” must appear at the bottom of the plate.

(b) *The license plate annual use fees shall be distributed quarterly to the Florida Association of Agencies Serving the Blind, Inc., to fund direct-support services to blind and visually impaired people.*

(c) *The Florida Association of Agencies Serving the Blind, Inc., shall retain all revenue from the annual use fees until all startup costs for developing and establishing the plates have been recovered. Thereafter, up to 5 percent of the annual use fee revenue shall be used for administrative costs and up to 20 percent shall be used for promotion and marketing of the specialty license plate. All remaining annual use fee revenue shall be used by the Florida Association of Agencies Serving the Blind, Inc., to fund its activities, programs, and projects within the state through its local nonprofit organizations’ direct-support services to blind and visually impaired people.*

Section 3. This act shall take effect July 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 specialty license plates; amending ss. 320.08056 and 320.08058, F.S.; creating the A State of Vision license plate and establishing its annual use fee; providing for the distribution of annual use fees received from the sale of such plates; providing an effective date.

On motion by Senator Baker, by two-thirds vote **HB 281** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—2

Dockery	Lynn
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SB 1408—A bill to be entitled An act relating to medical records; amending s. 456.057, F.S.; providing definitions; requiring a health care practitioner’s employer who is a records owner and a records custodian to comply with specified requirements for confidentiality and disclosure; amending s. 456.42, F.S.; providing requirements for prescriptions of medicinal drugs by health care practitioners which are electronically generated or transmitted; creating s. 456.43, F.S.; regulating electronic prescribing for medicinal drugs; providing restrictions for electronic prescribing software; providing definitions; authorizing electronic prescribing software to show information regarding a payor’s formulary under certain circumstances; amending s. 465.025, F.S.; specifying requirements for a prescriber to prevent generic substitution of brand name drugs when a prescription is electronically transmitted or generated; amending s. 381.028, F.S.; conforming a cross-reference; providing an effective date.

—as amended March 23 was read the third time by title.

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

Amendment 1 (135480)—On page 3, lines 16-22, delete those lines and insert:

(a) The term "prescribing decision" means a prescribing practitioner's decision to prescribe a certain pharmaceutical.

(b) The term "point of care" means the time that a prescribing practitioner or his or her agent is in the act of prescribing a certain pharmaceutical.

On motion by Senator Peaden, SB 1408 as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Argenziano, Miller

CS for CS for SB 1322—A bill to be entitled An act relating to driver's licenses; amending s. 562.11, F.S.; providing an additional penalty for providing alcoholic beverages to a person under the age of 21; creating s. 322.057, F.S.; authorizing a court to withhold issuance of, or suspend or revoke, the driver's license of certain persons who provide alcoholic beverages to persons under the age of 21; providing an effective date.

—was read the third time by title.

On motion by Senator King, CS for CS for SB 1322 was passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

CS for SB 1838—A bill to be entitled An act relating to pharmacy common databases; amending s. 465.026, F.S.; deleting a provision authorizing certain community pharmacies to transfer prescriptions for Schedule II medicinal drugs under certain conditions; creating s. 465.0266, F.S.; authorizing the dispensing or refilling of a prescription without a transferred prescription under specified conditions; providing an effective date.

—was read the third time by title.

On motion by Senator Haridopolos, CS for SB 1838 was passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

SPECIAL ORDER CALENDAR

Consideration of SB 2006 was deferred.

On motion by Senator Crist—

SB 2340—A bill to be entitled An act relating to trust funds; creating s. 20.3151, F.S.; creating the Administrative Trust Fund within the Department of Corrections; providing for sources of funds and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, SB 2340 was placed on the calendar of Bills on Third Reading.

On motion by Senator Crist—

SB 2342—A bill to be entitled An act relating to trust funds; creating s. 945.21503, F.S.; creating the Federal Grants Trust Fund within the Department of Corrections; 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, SB 2342 was placed on the calendar of Bills on Third Reading.

On motion by Senator Crist—

SB 2344—A bill to be entitled An act relating to trust funds; creating s. 943.367, F.S.; creating the Administrative Trust Fund within the Department of Law Enforcement; providing for sources of funds and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, SB 2344 was placed on the calendar of Bills on Third Reading.

On motion by Senator Crist—

SB 2346—A bill to be entitled An act relating to trust funds; creating s. 943.366, F.S.; creating the Federal Grants Trust Fund within the Department of Law Enforcement; 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, **SB 2346** was placed on the calendar of Bills on Third Reading.

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

CS for SB 2348—A bill to be entitled An act relating to trust funds; amending s. 25.241, F.S.; directing that certain fees be deposited into the Operating Trust Fund of the state court system; amending s. 25.383, F.S.; directing that certain fees be deposited into the Operating Trust Fund of the state courts system; creating s. 25.3844, F.S.; creating the Operating Trust Fund within the state courts system; providing for sources of funds and purposes; providing for future review and termination or re-creation of the trust fund; amending s. 29.0195, F.S.; directing that certain fees be deposited into the Operating Trust Fund of the state courts system; amending s. 35.22, F.S.; directing that certain fees be deposited into the Operating Trust Fund of the state courts system; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2348** was placed on the calendar of Bills on Third Reading.

On motion by Senator Crist—

SB 2350—A bill to be entitled An act relating to trust funds; creating s. 25.3842, F.S.; creating the Federal Grants Trust Fund within the state courts system; 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, **SB 2350** was placed on the calendar of Bills on Third Reading.

MOTIONS

On motions by Senator Carlton, the rules were waived and a deadline of 3:00 p.m., Tuesday, April 4, was set for filing amendments to the Appropriations Bill, **SB 2700** and the Appropriations Implementing Bill, **SB 2702**; and a deadline of 3:00 p.m., Wednesday, April 5, was set for filing amendments to amendments and substitute amendments to the Appropriations Bill and the Appropriations Implementing Bill to be considered Thursday, April 6.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Pruitt, by two-thirds vote **CS for SB 500**, **SB 504** and **CS for SB 772** were also referred to the Committee on Ways and Means; **SB 828** was withdrawn from the Committees on Criminal Justice; and Judiciary; **CS for SB 888** was withdrawn from the Committee on Transportation and Economic Development Appropriations; and also referred to the Committee on Ways and Means; **CS for SB 1612** was withdrawn from the Committee on Transportation and Economic Development Appropriations; **CS for SB 1694** and **SB 1846** were withdrawn from the Committees on Judiciary; Ways and Means; and Rules and Calendar; **SB 1698** was withdrawn from the Committee on Judiciary; **CS for SB 2000** was withdrawn from the Committees on Judiciary; and Governmental Oversight and Productivity; **SB 84** was withdrawn from the Committee on Children and Families; **CS for SB 746** and **CS for CS for SB 1080** were withdrawn from the Committee on Health and Human Services Appropriations; and **SB 358** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Margolis, by two-thirds vote **SB 2634** was withdrawn from the committees of reference and further consideration.

On motion by Senator Diaz de la Portilla, by two-thirds vote **SB 2628** was withdrawn from the committees of reference and further consideration.

RECESS

Senator Pruitt moved that following the Senate Reunion, the Senate stand in recess until 1:00 p.m. this day or upon call of the President. The motion was adopted and the Senate recessed at 10:11 a.m.

CALL TO ORDER

The Senate was called to order by the President at 10:30 a.m. A quorum present.

SENATE REUNION

The following former members of the Senate and their guests, in attendance for the 2006 Senate Reunion were welcomed by the President: Tom Adams and guest, Tom B. III; former Governor Reubin O'D. Askew; William D. Barrow; Malcolm E. Beard and wife, Mary Ellen; Commissioner of Agriculture Charlie Bronson; John R. Broxson and wife, Christina; Don C. Childers; Mack Cleveland and wife, Mary Anne; Anna P. Cowin and guest, Elaine Merritt; Rick Dantzer; Helen Gordon Davis and son, Gordon; Timothy D. Deratany; Fred R. Dudley; Orlando Mayor Buddy Dyer; Vince Fechtel, Jr.; Pat Frank and guest, Harry Cohen; Winston W. "Bud" Gardner, Jr.; Congressman Sam Gibbons; William M. Gillespie and wife, Sally; Jim Glisson; John Grant; Patricia A. Grogan and husband, David Teek, and guests Mackenzie Teek and Veronica Teek; Mattox Hair; Jim Horne; Mallory E. Horne; Dan Jenkins, wife, Molly, and guests, Rev. Darrel Murray, Mrs. Fran Murray and Debi Hart; Lt. Governor Toni Jennings; Karen Johnson; Daryl L. Jones; Curt Kiser and wife, Sally; Patsy Ann Kurth, daughters Sara Kurth-Diaz and Martha Harbin, and guests Kennie Kay Halley and Dr. Paul Wharton; Richard H. Langley; Jack Latvala; Philip D. Lewis; Franklin B. Mann and wife, Mary Lee; John M. McKay and wife, Michelle; Tom McPherson and wife, Janet; Kenneth M. Myers; Kenneth A. Plante; Van B. Poole and wife, Donna; Gerald S. "Jerry" Rehm and sons, Greg and Scott; Richard "Dick" Renick and guests, John Gregory Kasper, Joseph Humphreys and Jack Nealy; Tom Rossin and wife, Joyce; Henry Saylor; James A. Scott; Bruce A. Smathers and wife, Susan; Javier Souto; Judge W. Thomas Spencer and son Thomas A.; Paul B. Steinberg and wife, Sandra; J. W. "Bill" Stevens and guests, Elaine Owen and Tomiko Taylor; Donald C. Sullivan, M.D.; Russell E. Sykes, wife Jan, and son, Rusty; John W. Vogt and wife, Tonie; Judge Peter M. Weinstein and wife, Dr. Barbara-Ann Weinstein; and Charles Williams and wife, Marilyn.

The following special guests were also welcomed: Terri Jo Barron, widow of former Senator Dempsey J. Barron; Catherine Brantley, widow of former Senator Lewis B. Brantley and guest, Betsy Miller; Boots Howse, widow of former Senator Fred O. "Bud" Dickinson, Jr., and husband, Paul Howse; Ann D. Skinner, widow of former Senator Sherrill N. "Pete" Skinner and guests, Chris Skinner, Ben Douglass and Randy Hatch; and, Joyce Ware, widow of former Senator Judge John T. Ware, daughters, Stacey Gaeta, Sheryl Ware and Sheila Brunette, granddaughters, Nicole Brunette, Jessica Ware, Jacqui Gaeta, Megan Ware and Emily Ware, and Senator Ware's Senate secretary, Sandra Parker.

President Lee recognized the following former Senate Presidents: Mallory E. Horne, 1972-1974; Philip D. Lewis, 1978-1980; John W. Vogt, 1986-1988; Gwen Margolis, 1990-1992; James A. Scott, 1994-1996; Lt. Governor Toni Jennings, 1996-2000; John M. McKay, 2000-2002; and, James E. "Jim" King, Jr., 2002-2004.

By direction of the President, the Secretary read the names of former Senators who have passed away since the last reunion: William G. "Bill" Bankhead, Lewis B. "Lew" Brantley, J. Emory "Red" Cross, Elmer O. Friday, Jr., Jack D. Gordon, W. C. "Cliff" Herrell, W. Randolph Hodges, Thomas H. "Tom" Johnson, Scott Kelly, T. Truett Ott, Lawrence H. "Larry" Plummer, Robert L. Shevin, Sherrill N. "Pete" Skinner, John T. Ware and Quillian S. Yancey.

The President recognized former and current Senators for remarks. Group photographs were taken of former Senate Presidents and all current and former Senators.

AFTERNOON SESSION

The Senate was called to order by the President at 1:25 p.m. A quorum present—40:

Mr. President	Argenziano	Atwater
Alexander	Aronberg	Baker

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

SPECIAL ORDER CALENDAR, continued

MOTION

On motion by Senator Webster, by two-thirds vote **HB 145** was withdrawn from the Committee on Judiciary; and by two-thirds vote placed on the Special Order Calendar.

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

HB 145—A bill to be entitled An act relating to apportionment of damages in civil actions; amending s. 768.81, F.S.; deleting exceptions to a requirement for liability based on percentage of fault instead of joint and several liability; providing applicability; providing an effective date.

—was read the second time by title.

Senator Aronberg moved the following amendment which failed:

Amendment 1 (912970)(with title amendment)—On line 13, through line 74, delete those lines and insert:

(3) APPORTIONMENT OF DAMAGES.—In cases to which this section applies, *the trier of fact shall apportion the total fault for the plaintiff's damages among the plaintiff, the defendants to that action, and any released persons who have settled with the plaintiff, and the court shall enter judgment against each party liable on the basis of such party's percentage of fault and not on the basis of the doctrine of joint and several liability. A defendant in the action has a right to join a person who may be amenable to judgment to the plaintiff in that action, notwithstanding any applicable statutes of limitations, within 120 days after service of the complaint on that defendant. The person so joined is thereafter a defendant to the action and, if fault is apportioned to the joined person, the joined person shall be adjudged legally liable to the plaintiff for its share of the damages. All presuit requirements and any tolling provisions set forth therein are applicable to any defendant choosing to join a person to the action. Notwithstanding any other provision of law, there shall be no setoffs in actions to which this section applies, except as provided in paragraphs (a), (b), and (c):*

(a) Where a plaintiff is found to be at fault, the following shall apply:

1.—Any defendant found 10 percent or less at fault shall not be subject to joint and several liability.

2.—For any defendant found more than 10 percent but less than 25 percent at fault, joint and several liability shall not apply to that portion of economic damages in excess of \$200,000.

3.—For any defendant found at least 25 percent but not more than 50 percent at fault, joint and several liability shall not apply to that portion of economic damages in excess of \$500,000.

4.—For any defendant found more than 50 percent at fault, joint and several liability shall not apply to that portion of economic damages in excess of \$1 million.

~~For any defendant under subparagraph 2., subparagraph 3., or subparagraph 4., the amount of economic damages calculated under joint and several liability shall be in addition to the amount of economic and noneconomic damages already apportioned to that defendant based on that defendant's percentage of fault.~~

(b) Where a plaintiff is found to be without fault, the following shall apply:

1.—Any defendant found less than 10 percent at fault shall not be subject to joint and several liability.

2.—For any defendant found at least 10 percent but less than 25 percent at fault, joint and several liability shall not apply to that portion of economic damages in excess of \$500,000.

3.—For any defendant found at least 25 percent but not more than 50 percent at fault, joint and several liability shall not apply to that portion of economic damages in excess of \$1 million.

4.—For any defendant found more than 50 percent at fault, joint and several liability shall not apply to that portion of economic damages in excess of \$2 million.

~~For any defendant under subparagraph 2., subparagraph 3., or subparagraph 4., the amount of economic damages calculated under joint and several liability shall be in addition to the amount of economic and noneconomic damages already apportioned to that defendant based on that defendant's percentage of fault.~~

(c) With respect to any defendant whose percentage of fault is less than the fault of a particular plaintiff, the doctrine of joint and several liability shall not apply to any damages imposed against the defendant.

(d) In order to allocate any or all fault to a nonparty, a defendant must affirmatively plead the fault of a nonparty and, absent a showing of good cause, identify the nonparty, if known, or describe the nonparty as specifically as practicable, either by motion or in the initial responsive pleading when defenses are first presented, subject to amendment any time before trial in accordance with the Florida Rules of Civil Procedure.

(e) In order to allocate any or all fault to a nonparty and include the named or unnamed nonparty on the verdict form for purposes of apportioning damages, a defendant must prove at trial, by a preponderance of the evidence, the fault of the nonparty in causing the plaintiff's injuries.

And the title is amended as follows:

On line 3, after the second semicolon (;) insert: providing for apportionment of fault; providing for joinder of parties;

The vote was:

Yeas—18

Argenziano	Hill	Miller
Aronberg	Jones	Rich
Campbell	Klein	Siplin
Crist	Lawson	Smith
Garcia	Lynn	Villalobos
Geller	Margolis	Wilson

Nays—22

Mr. President	Constantine	Posey
Alexander	Dawson	Pruitt
Atwater	Diaz de la Portilla	Saunders
Baker	Dockery	Sebesta
Bennett	Fasano	Webster
Bullard	Haridopolos	Wise
Carlton	King	
Clary	Peaden	

Senator Campbell moved the following amendments which failed:

Amendment 2 (131648)(with title amendment)—Between lines 74 and 75, insert:

Section 2. Section 768.375, Florida Statutes, is created to read:

768.375 Comparative fault.—

(1) EFFECT OF CONTRIBUTORY FAULT.—In an action based on negligence which seeks to recover damages for personal injury or wrongful death or damages to property arising out of the same facts, any contributory fault chargeable to the claimant diminishes proportionately the amount awarded as compensatory damages for an injury attributable to the claimant's contributory fault, but does not bar recovery.

(2) APPORTIONMENT OF DAMAGES.—

(a) In all actions involving fault of more than one party to the action, including third-party defendants and persons who have been released under subsection (3), the court, unless otherwise agreed by all parties, shall instruct the jury to answer special interrogatories or, if there is no jury, shall make findings, indicating:

1. The amount of damages each claimant would be entitled to recover if contributory fault is disregarded; and

2. The percentage of the total fault of all of the parties to each claim which is allocated to each claimant, defendant, third-party defendant, and person who has been released from liability under subsection (3). For this purpose the court may determine that two or more persons are to be treated as a single party.

(b) In determining the percentages of fault, the trier of fact shall consider the nature of the conduct of each party at fault and the extent of the causal relation between the conduct and the damages claimed.

(c) The court shall determine the award of damages to each party entitled thereto in accordance with the findings and enter judgment against each party liable on the basis of the party's percentage of fault and not on the basis of rules of joint and several liability. However, if any party against whom judgment is entered has not paid such judgment and lacks the immediate ability to pay such judgment through insurance, self-insurance, or other assets, the claimant may request a reallocation of judgment pursuant to paragraph (d).

(d) The claimant may at any time after 60 days following entry of final judgment request the court to conduct a reallocation hearing unless, upon motion of the claimant, the court determines that reallocation may be ordered at the time of entry of final judgment. If the claimant proves that any portion of the judgment as originally apportioned is unpaid and that the judgment debtor liable therefor does not have available the immediate ability to pay through sufficient insurance coverage, self-insurance, or other assets, the court shall reallocate the deficiency among the other judgment debtors to the extent to which they have the immediate ability to pay their share of the deficiency through sufficient insurance coverage, self-insurance, or other assets, and enter a supplemental judgment against each such judgment debtor; however, the amount of a supplemental judgment may not exceed the product of the deficiency multiplied by the supplemental judgment debtor's percentage of fault. Any judgment debtor whose judgment is reallocated pursuant to this paragraph remains liable to the claimant on the final judgment, less any reallocated amount, and is liable to any supplemental judgment debtor for his or her share of the reallocated amount.

(e) The reallocation procedures specified in paragraph (d) shall be stayed if the trial court grants a supersedeas to any party pending an appeal from the judgment.

(3) EFFECT OF RELEASE.—A release, covenant not to sue, or similar agreement entered into by a claimant and a person liable discharges all liability for the released person's proportional share of the claimant's damages and discharges the released person from any liability for reallocation of any other liable person's deficiency pursuant to paragraph (2)(d), but does not discharge any other persons liable upon the same claim unless it so provides.

(4) APPLICABILITY.—This section applies to any cause of action arising on or after July 1, 2006, which is based on negligence for damages for personal injury or wrongful death or damages to property arising out of the same facts. However, this section does not apply to any action brought by any person to recover actual economic damages resulting from pollution or to any action based upon an intentional tort.

(Redesignate subsequent sections.)

And the title is amended as follows:

On line 6, after the semicolon (;) insert: creating s. 768.375, F.S.; providing for comparative fault; providing for apportionment of damages among parties; requiring that special findings of fact be made; providing procedures for the reallocation of damages under certain circumstances; providing for the effect of a release on the awarding of damages; providing for applicability;

The vote was:

Yeas—13

Aronberg	Klein	Siplin
Campbell	Lawson	Smith
Geller	Miller	Villalobos
Hill	Rich	Wilson
Jones		

Nays—26

Mr. President	Crist	Margolis
Alexander	Dawson	Peaden
Atwater	Diaz de la Portilla	Posey
Baker	Dockery	Pruitt
Bennett	Fasano	Saunders
Bullard	Garcia	Sebesta
Carlton	Haridopolos	Webster
Clary	King	Wise
Constantine	Lynn	

Amendment 3 (900606)(with title amendment)—Between lines 74 and 75, insert:

Section 2. (1) The Office of Insurance Regulation shall order insurers writing any kind of liability insurance in this state, including professional malpractice insurance, to make a rate filing effective January 1, 2007, which reduces rates for such insurance by a factor that reflects the expected impact of the changes contained in this act. In the absence of clear and convincing evidence to the contrary, it shall be presumed that the expected impact of the act will result in at least a 10-percent reduction in the rates in effect for such insurance on December 31, 2006. An insurer may, in lieu of making the rate filing required in this subsection, upon notification to the Office of Insurance Regulation, implement a 10-percent reduction of its rates, effective January 1, 2007.

(2) Any insurer or rating organization that states in the rate filing made on January 1, 2007, or any subsequent rate filing made on or before December 31, 2012, that the presumed reduced rate provided for in subsection (1) is excessive, inadequate, or unfairly discriminatory shall separately state in its filing the rate it believes is appropriate and shall state with specificity the factors or data that it contends should be considered in order to produce such appropriate rate. The insurer or rating organization may use all of the generally accepted actuarial techniques, as provided in s. 627.062, Florida Statutes, in making any filing under this subsection. The Office of Insurance Regulation shall review each such exception and approve or disapprove it prior to its use. The insurer has the burden to actuarially justify by clear and convincing evidence any deviation that results in a rate that is higher than the presumed reduced rate as provided for in subsection (1).

(3) If any provision of this act is held invalid by a court of competent jurisdiction, the Office of Insurance Regulation shall permit an adjustment of all rates filed under this section to reflect the effect of such holding on such rates, so as to ensure that the rates are not excessive, inadequate, or unfairly discriminatory.

(Redesignate subsequent sections.)

And the title is amended as follows:

On line 6, after the semicolon (;) insert: requiring liability insurers to file rates with the Office of Insurance Regulation for review under certain circumstances; creating a presumption that liability insurance rates will be reduced by a specific percentage; providing procedures for insurers to contest the presumed rate reduction; authorizing the Office of Insurance Regulation to adjust liability insurance rates under certain circumstances;

The vote was:

Yeas—19

Argenziano	Dawson	Klein
Aronberg	Garcia	Lawson
Bullard	Geller	Margolis
Campbell	Hill	Miller
Crist	Jones	Rich

Siplin	Villalobos	Wilson
Smith		
Nays—21		
Mr. President	Constantine	Peadar
Alexander	Diaz de la Portilla	Posey
Atwater	Dockery	Pruitt
Baker	Fasano	Saunders
Bennett	Haridopolos	Sebesta
Carlton	King	Webster
Clary	Lynn	Wise

Pursuant to Rule 4.19, **HB 145** was placed on the calendar of Bills on Third Reading.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Wednesday, March 29, 2006: SB 2006, SB 2340, SB 2342, SB 2344, SB 2346, CS for SB 2348, SB 2350

Respectfully submitted,
Ken Pruitt, Chair

The Committee on Community Affairs recommends the following pass: SB 2162 with 2 amendments

The Committee on Environmental Preservation recommends the following pass: SB 1760

The Committee on Health Care recommends the following pass: SB 2178 with 3 amendments

The bills contained in the foregoing reports were referred to the Committee on Banking and Insurance under the original reference.

The Committee on Commerce and Consumer Services recommends the following pass: CS for SB 528, SB 530 and SB 858, with 7 amendments, CS for SB 860 with 1 amendment

The Committee on Environmental Preservation recommends the following pass: SJR 1210

The Committee on Transportation recommends the following pass: SB 2300 with 1 amendment, SB 2312 with 3 amendments, SB 2658 with 2 amendments

The bills contained in the foregoing reports were referred to the Committee on Community Affairs under the original reference.

The Committee on Banking and Insurance recommends the following pass: SB 558

The Committee on Community Affairs recommends the following pass: SB 588

The bills contained in the foregoing reports were referred to the Committee on Criminal Justice under the original reference.

The Committee on Education recommends the following pass: SJR 1150, SB 2380

The bills were referred to the Committee on Education Appropriations under the original reference.

The Committee on Agriculture recommends the following pass: SB 2712

The Committee on Community Affairs recommends the following pass: CS for SB 1306

The Committee on Government Efficiency Appropriations recommends the following pass: CS for SB 1226

The bills contained in the foregoing reports were referred to the Committee on General Government Appropriations under the original reference.

The Committee on Banking and Insurance recommends the following pass: CS for SB 1230 with 2 amendments

The Committee on Children and Families recommends the following pass: SB 1314

The Committee on Commerce and Consumer Services recommends the following pass: SJR 1390, SB 1426, SB 1832

The Committee on Regulated Industries recommends the following pass: SB 1592

The bills contained in the foregoing reports were referred to the Committee on Government Efficiency Appropriations under the original reference.

The Committee on Agriculture recommends the following pass: CS for SB 2102

The Committee on Banking and Insurance recommends the following pass: SB 2116

The Committee on Children and Families recommends the following pass: SB 474, SB 1850 with 3 amendments

The Committee on Community Affairs recommends the following pass: CS for SB 1528

The Committee on Health Care recommends the following pass: SB 1190 with 1 amendment

The Committee on Transportation recommends the following pass: SB 2242 with 1 amendment

The bills contained in the foregoing reports were referred to the Committee on Governmental Oversight and Productivity under the original reference.

The Committee on Children and Families recommends the following pass: SB 448

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 1596, SB 2294 with 5 amendments, SB 2306, SB 2432

The bills were referred to the Committee on Health Care under the original reference.

The Committee on Children and Families recommends the following pass: SB 1748

The Committee on Commerce and Consumer Services recommends the following pass: SB 1800

The bills contained in the foregoing reports were referred to the Committee on Judiciary under the original reference.

The Committee on Government Efficiency Appropriations recommends the following pass: CS for SB 940

The bill was referred to the Committee on Justice Appropriations under the original reference.

The Committee on Community Affairs recommends the following pass: SB 2632 with 1 amendment

The bill was referred to the Committee on Transportation under the original reference.

The Committee on Community Affairs recommends the following pass: CS for SB 862

The bill was referred to the Committee on Transportation and Economic Development Appropriations under the original reference.

The Committee on Government Efficiency Appropriations recommends the following pass: CS for SB 1646

The Committee on Transportation and Economic Development Appropriations recommends the following pass: SB 784

The bills contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Banking and Insurance recommends the following pass: SB 372

The Committee on Justice Appropriations recommends the following pass: SB 2340, SB 2342, SB 2344, SB 2346, SB 2350

The Committee on Transportation and Economic Development Appropriations recommends the following pass: CS for CS for SB 1018, SB 1032, SB 1048, SB 1614

The Committee on Ways and Means recommends the following pass: SB 692

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Community Affairs recommends a committee substitute for the following: SB 600

The bill with committee substitute attached was referred to the Committee on Commerce and Consumer Services under the original reference.

The Committee on Regulated Industries recommends a committee substitute for the following: CS for SB 1394

The bill with committee substitute attached was referred to the Committee on Community Affairs under the original reference.

The Committee on Children and Families recommends a committee substitute for the following: SB 2010

The Committee on Environmental Preservation recommends a committee substitute for the following: SB 2490

The Committee on Regulated Industries recommends committee substitutes for the following: Senate Bills 144 and 944, SB 282, SB 2412

The Committee on Transportation recommends a committee substitute for the following: SB 224

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 Agriculture recommends a committee substitute for the following: SB 990

The bill with committee substitute attached was referred to the Committee on Domestic Security under the original reference.

The Committee on Children and Families recommends a committee substitute for the following: SB 1798

The bill with committee substitute attached was referred to the Committee on Education under the original reference.

The Committee on Judiciary recommends a committee substitute for the following: SB 1030

The bill with committee substitute attached was referred to the Committee on Education Appropriations under the original reference.

The Committee on Communications and Public Utilities recommends a committee substitute for the following: SB 888

The bill with committee substitute attached was referred to the Committee on Environmental Preservation under the original reference.

The Committee on Government Efficiency Appropriations recommends a committee substitute for the following: CS for SB 1208

The bill with committee substitute attached was 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: SB 494, SB 1886, SB 2110

The bills with committee substitutes attached were referred to the Committee on Government Efficiency Appropriations under the original reference.

The Committee on Health Care recommends committee substitutes for the following: SB 1366, SB 1922, SB 2176

The Committee on Judiciary recommends a committee substitute for the following: SB 1372

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Health and Human Services Appropriations under the original reference.

The Committee on Regulated Industries recommends a committee substitute for the following: SB 1172

The bill with committee substitute attached was referred to the Committee on Health Care under the original reference.

The Committee on Children and Families recommends a committee substitute for the following: SB 1694

The Committee on Criminal Justice recommends a committee substitute for the following: SB 2278

The Committee on Environmental Preservation recommends a committee substitute for the following: SB 2202

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 1438

The Committee on Regulated Industries recommends a committee substitute for the following: SB 2036

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 Children and Families recommends a committee substitute for the following: CS for SB 472

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 436

The Committee on Judiciary recommends a committee substitute for the following: SB 2188

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Justice Appropriations under the original reference.

The Committee on Environmental Preservation recommends a committee substitute for the following: SB 2216

The bill with committee substitute attached was referred to the Committee on Regulated Industries under the original reference.

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 710

The bill with committee substitute attached was referred to the Committee on Rules and Calendar under the original reference.

The Committee on Environmental Preservation recommends a committee substitute for the following: CS for SB 1020

The bill with committee substitute attached was referred to the Committee on Transportation under the original reference.

The Committee on Health Care recommends a committee substitute for the following: CS for CS for SB 1058

The Committee on Transportation recommends a committee substitute for the following: SB 2336

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Transportation and Economic Development Appropriations under the original reference.

The Committee on Governmental Oversight and Productivity recommends committee substitutes for the following: SB 1040, CS for SB 1678, SB 2518

The Committee on Health and Human Services Appropriations recommends committee substitutes for the following: SB 390, SB 394, SB 398

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Commerce and Consumer Services recommends a committee substitute for the following: SB 1966

The Committee on Education recommends a committee substitute for the following: SB 418

The Committee on Governmental Oversight and Productivity recommends committee substitutes for the following: CS for SB 1112, SB 1278, SB 1680

The Committee on Health Care recommends a committee substitute for the following: SB 1690

The Committee on Justice Appropriations recommends a committee substitute for the following: SB 2348

The Committee on Transportation and Economic Development Appropriations recommends committee substitutes for the following: SB 1350, CS for SB 1450, CS for SB 2238

The Committee on Ways and Means recommends committee substitutes for the following: CS for CS for CS for SB 24, SB 1716

The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.

REPORTS OF COMMITTEES RELATING TO EXECUTIVE BUSINESS

The Committee on Education recommends that the Senate confirm the following appointments made by the Governor:

<i>Office and Appointment</i>	<i>For Term Ending</i>
State Board of Education	
Appointees: Donna G. Callaway	12/31/2009
Phoebe H. Raulerson	12/31/2008
Roberto Martinez	12/31/2008
Board of Governors	
Appointees: Ann Wilkins Duncan	01/06/2012
J. Stanley Marshall	01/06/2012
M. Lynn Pappas	01/06/2012
Board of Trustees, Florida A & M University	
Appointees: Laura Branker	01/06/2010
W. George Allen	01/06/2010
Board of Trustees, Florida Atlantic University	
Appointees: Lalita M. Janke	01/06/2010
Scott H. Adams	01/06/2010
Board of Trustees, University of Central Florida	
Appointee: Conrad Santiago	01/06/2010
Board of Trustees, Florida State University	
Appointee: Derrick Brooks	01/06/2010
Board of Trustees, Florida Gulf Coast University	
Appointee: Jaynie M. Whitcomb	01/06/2010
Board of Trustees, Florida International University	
Appointees: Armando J. Guerra	01/06/2008
Patricia Frost	01/06/2010
Board of Trustees, New College of Florida	
Appointees: Jane T. Smiley	01/06/2010
Warren P. Hudson	01/06/2010
Board of Trustees, University of Florida	
Appointees: Earl W. Powell	01/06/2010
Roland C. Daniels	01/06/2010
Board of Trustees, University of North Florida	
Appointees: Edythe M. Abdullah	01/06/2010
R. Bruce Taylor	01/06/2010
Board of Trustees, University of South Florida	
Appointee: Sonja W. Garcia	01/06/2010

Office and Appointment

Board of Trustees, University of West Florida
 Appointees: Honor M. Bell
 Sharon Hess Herrick

*For Term
 Ending*

01/06/2010
 01/06/2010

June 30, 2007, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

—was referred to the Committee on Ways and Means.

The Committee on Education recommends that the Senate confirm the following appointments made by the Board of Governors:

Office and Appointment

Board of Trustees, Florida A & M University
 Appointee: Regina Benjamin

*For Term
 Ending*

01/06/2010

By the Committee on General Government Appropriations—

SB 2692—A bill to be entitled An act relating to appropriations; providing moneys for the annual period beginning July 1, 2006, and ending June 30, 2007, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

Board of Trustees, Florida Atlantic University
 Appointees: David Feder
 Norman D. Tripp

01/06/2010
 01/06/2010

—was referred to the Committee on Ways and Means.

Board of Trustees, University of Central Florida
 Appointees: Allen "Al" R. Weiss
 Patrick T. Christiansen

01/06/2010
 01/06/2010

By the Committee on Health and Human Services Appropriations—

SB 2694—A bill to be entitled An act relating to appropriations; providing moneys for the annual period beginning July 1, 2006, and ending June 30, 2007, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

Board of Trustees, Florida State University
 Appointees: Harold M. Knowles
 Richard C. McFarlain

01/06/2010
 01/06/2010

—was referred to the Committee on Ways and Means.

Board of Trustees, Florida Gulf Coast University
 Appointees: David Lucas
 W. Bernard Lester

01/06/2010
 01/06/2010

By the Committee on Justice Appropriations—

SB 2696—A bill to be entitled An act relating to appropriations; providing moneys for the annual period beginning July 1, 2006, and ending June 30, 2007, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

Board of Trustees, Florida International University
 Appointee: David R. Parker

01/06/2010

—was referred to the Committee on Ways and Means.

Board of Trustees, New College of Florida
 Appointees: Raymond E. Mason, Jr.
 Rolland V. Heiser

01/06/2010
 01/06/2010

By the Committee on Transportation and Economic Development Appropriations—

SB 2698—A bill to be entitled An act relating to appropriations; providing moneys for the annual period beginning July 1, 2006, and ending June 30, 2007, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

Board of Trustees, University of Florida
 Appointees: Courtney Cunningham
 Joelen K. Merkel

01/06/2010
 01/06/2010

—was referred to the Committee on Ways and Means.

Board of Trustees, University of North Florida
 Appointees: Luther W. Coggin
 Steven T. Halverson

01/06/2010
 01/06/2010

Board of Trustees, University of South Florida
 Appointees: Robert Soran
 Sherrill M. Tomasino

01/06/2010
 01/06/2010

Board of Trustees, University of West Florida
 Appointees: Jarl T. Young
 Roy W. Smith, Jr.

01/06/2010
 01/06/2010

The Committee on Environmental Preservation recommends that the Senate confirm the following appointments made by the Governing Board:

Office and Appointment

*For Term
 Ending*

Executive Director of South Florida Water Management
 District

Appointee: Carol Ann Wehle

Pleasure of
 the Board

Senate Bills 2700-2754—Previously referenced.

SR 2756—Not referenced.

[The appointments contained in the foregoing report were referred to the Committee on Ethics and Elections under the original reference.]

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By the Committee on Education Appropriations—

SB 2690—A bill to be entitled An act relating to appropriations; providing moneys for the annual period beginning July 1, 2006, and ending

By Senator Alexander—

SB 2758—A bill to be entitled An act relating to the Hardee County Economic Development Authority; amending s. 3, chapter 2004-394, Laws of Florida; revising the membership of the Hardee County Economic Development Authority; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Sebesta—

SB 2760—A bill to be entitled An act relating to the City of Tampa, Hillsborough County; amending s. 8, chapter 23559, Laws of Florida, 1945, as amended; revising longevity retirement provisions to provide for a multiplier of 1.20 percent for employees in Division B, as amended; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Dockery—

SB 2762—A bill to be entitled An act relating to Polk County; amending chapter 88-443, Laws of Florida, as amended; excluding certain positions from the classified service of the Sheriff's Office of Polk County; removing legislative intent; revising names of units and titles of persons in the Sheriff's Office; revising terminology; revising the effective date of appointments to the personnel board; reducing the term of the chairperson of the board; specifying the office and departments from which members are elected to the Members Nominating Committee; revising the effective date of the initial probationary period; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Alexander—

SB 2764—A bill to be entitled An act relating to Polk County; abolishing the Peace Creek Drainage District and transferring its powers, duties, functions, property, revenues, and indebtedness to the Southwest Florida Water Management District; amending the charter of the Lake Region Lakes Management District, as reenacted and amended by chapter 2004-393, Laws of Florida; redefining the territorial boundaries of the district; providing for a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Alexander—

SB 2766—A bill to be entitled An act relating to the Grove Community District, Okeechobee County; providing a short title; creating the Grove Community District; providing for findings, determinations, ascertainment, intent, purpose, definitions, and policy; providing a charter; providing jurisdiction; providing boundaries; providing powers of the district; creating the district as a special, limited, and single-purpose independent district, an independent local government, and corporate body politic, to provide community development infrastructure; providing for authority, boundaries, jurisdiction, and charter amendment; providing for a governing board and terms of office and duties thereof; providing for elections; providing for a district manager; providing for bonds; providing for borrowing; providing for future transition to ad valorem taxation; providing for special assessments; providing for issuance of certificates of indebtedness; providing for tax liens; providing minimum charter requirements; providing for the applicability of and compliance with provisions of chapter 189, Florida Statutes, and other general laws; providing for severability; providing for a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

SR 2768—Not referenced.

By Senator Fasano—

SB 2770—A bill to be entitled An act relating to the Homosassa Special Water District, Citrus County; providing for annexation of specified areas; requiring a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

Senate Resolutions 2772-2776—Not referenced.

By Senator Fasano—

SB 2778—A bill to be entitled An act relating to Pasco County; providing that a resolution of the District School Board of Pasco County which provides for receipt of proceeds from the local government infrastructure surtax authorized under s. 212.055(2), F.S., may include a covenant to limit the levy of capital local school property taxes; ratifying and confirming a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Saunders—

SB 2780—A bill to be entitled An act relating to the North Naples Fire Control and Rescue District, Collier County; amending chapter 99-450, Laws of Florida; providing for the payment of certain taxes and fees and the application of certain regulations and requirements in the event of annexation by a municipality within the boundaries of the district; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

SR 2782—Not referenced.

By Senator Atwater—

SB 2784—A bill to be entitled An act relating to the Village of North Palm Beach, Palm Beach County; designating a portion of State Road A1A within the village as Jack Nicklaus Drive; authorizing and directing the village to change street signs and markers, mailing addresses, and 911 emergency telephone system listings and to erect signs and markers accordingly; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Transportation; and Rules and Calendar.

By Senator Haridopolos—

SB 2786—A bill to be entitled An act relating to the Florida Health Information Network, Inc.; creating s. 408.064, F.S.; providing a short title and purpose; requiring the Agency for Health Care Administration to develop and implement a plan for the formation and operation of a health information network; requiring the agency to enter into a contract to implement the plan; creating the Florida Health Information Network, Inc., as a not-for-profit corporation; providing for a board of directors and for terms thereof; providing duties and responsibilities of the corporation; requiring a report to the Governor and Legislature; providing an appropriation; providing an effective date.

—was referred to the Committees on Health Care; Governmental Oversight and Productivity; and Health and Human Services Appropriations.

By Senators Posey and Haridopolos—

SJR 2788—A joint resolution rescinding and withdrawing House Joint Resolution 1177 (2005), which relates to limitations on the number of consecutive years during which certain elected constitutional officers may hold office before being denied the right to have their names appear on the ballot.

—was referred to the Committees on Ethics and Elections; Judiciary; and Rules and Calendar.

Senate Resolutions 2790-2804—Not referenced.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committees on Ways and Means; Government Efficiency Appropriations; Commerce and Consumer Services; Domestic Security; and Senators Baker, Campbell, Atwater, Sebesta, Alexander, Diaz de la Portilla, Wise, Haridopolos, Wilson, Saunders, Lynn and Crist—

CS for CS for CS for CS for SB 24—A bill to be entitled An act relating to hurricane preparedness; providing an exemption from the sales and use tax for sales of certain tangible personal property for certain periods; providing an exception for sales within a public lodging establishment, theme park, entertainment complex, or airport; authorizing the Department of Revenue to adopt rules; providing appropriations; providing an effective date.

By the Committee on Regulated Industries; and Senators Saunders and Geller—

CS for SB's 144 and 944—A bill to be entitled An act relating to the Beverage Law; amending s. 561.14, F.S.; providing for license classification as a winery shipper; creating s. 561.585, F.S.; authorizing certain direct shipments of wine; requiring licensure of winery shippers; providing requirements for licensure; providing prohibitions; requiring that a winery shipper licensee file a surety bond with the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation; requiring that each container of wine shipped directly be labeled with a notice; requiring monthly reports by winery shipper licensees; providing limitations on the amount of wine a winery shipper may ship or cause to be shipped; providing age requirements for those receiving direct shipments of wine; providing a defense to certain actions; requiring payment of taxes by direct shippers; requiring that winery shippers maintain certain records for a certain time period; providing for jurisdiction; providing penalties; amending s. 561.54, F.S.; removing a provision requiring that the licensee be aggrieved by a violation involving prohibited delivery from without the state to have standing to bring an action; exempting from such prohibition shipment of wine by a winery shipper licensee; amending s. 561.545, F.S., relating to the prohibition against direct shipment of alcoholic beverages; exempting applicability of such prohibition to the shipment of wine by a winery shipper licensee; amending s. 561.57, F.S.; providing that Internet orders shall be construed as telephone orders; exempting common carriers, licensees, or other persons using common carriers as their agents from certain report-filing requirements; requiring common carriers to verify the age of persons receiving shipments; providing a defense to certain actions; amending s. 599.004, F.S.; revising qualifications for the certification of Florida Farm Wineries; amending s. 561.24, F.S.; revising an effective date; authorizing certain manufacturers of wine holding a distributor's license to renew such license; removing exemption of Florida Farm Wineries from prohibition against manufacturer being licensed as distributor or registered as exporter; providing for severability; providing that certain contracts are not impaired; providing for rulemaking authority; providing an effective date.

By the Committee on Transportation; and Senator Bennett—

CS for SB 224—A bill to be entitled An act relating to motor vehicles; creating the "Road Rage Reduction Act"; providing legislative intent

relating to road rage and aggressive careless driving; amending s. 316.003, F.S.; defining the term "road rage"; amending s. 316.083, F.S.; requiring an operator of a motor vehicle to yield the left lane when being overtaken on a multilane highway; providing exceptions; amending s. 316.1923, F.S.; revising the number of specified acts necessary to qualify as an aggressive careless driver; providing specified punishments for aggressive careless driving; amending s. 318.19, F.S.; providing that a second or subsequent infraction as an aggressive careless driver requires attendance at a mandatory hearing; providing for the disposition of the increased penalties; requiring the Department of Highway Safety and Motor Vehicles to provide an educational awareness campaign; reenacting s. 316.650(1)(a), F.S., relating to traffic citations, to incorporate the amendments made to s. 316.1923, F.S., in a reference thereto; providing an effective date.

By the Committee on Regulated Industries; and Senators Dockery, Argenziano, Lynn and Diaz de la Portilla—

CS for SB 282—A bill to be entitled An act relating to the Beverage Law; amending s. 561.14, F.S.; prohibiting vendor purchases and acquisitions of wine from direct shippers; providing for direct shipper license classification; creating s. 561.575, F.S.; providing for the direct shipment of wine from within or outside the state; requiring that a shipper hold a direct shipper's license; providing requirements for licensure; requiring that each container of wine shipped directly be labeled with a notice; requiring that a direct shipper file a surety bond with the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation; providing for attorney's fees and costs in an action to collect unpaid taxes; authorizing the division to suspend or revoke a direct shipper's license or impose fines; providing for criminal penalties; authorizing the division to adopt rules; amending ss. 561.54 and 561.545, F.S.; specifying that provisions prohibiting the direct shipment of alcoholic beverages are inapplicable to wine shipped under s. 561.575, F.S.; amending s. 561.57, F.S.; including Internet sales as sales construed to be actually made at the vendor's licensed place of business; exempting common carriers from certain report filing requirements; requiring common carriers to verify the age of persons receiving shipments; providing a defense to certain actions; providing an effective date.

By the Committee on Health and Human Services Appropriations; and Senators Saunders and Wilson—

CS for SB 390—A bill to be entitled An act relating to medical services; amending s. 409.906, F.S.; authorizing the Agency for Health Care Administration to pay for full or partial dentures for certain recipients and for procedures relating to the seating and repair of dentures; authorizing the provision of hearing and visual services to Medicaid recipients; amending s. 409.9122, F.S., relating to mandatory Medicaid managed care enrollment; revising the percentages for the agency to achieve in enrolling certain Medicaid recipients in managed care plans or in MediPass; amending s. 409.911, F.S.; revising the audited data used by the agency to determine the amount distributed to hospitals under the disproportionate share program; revising the number of Medicaid days used in the calculation; deleting obsolete provisions; amending s. 409.9113, F.S.; providing for the distribution of funds to statutorily defined teaching hospitals and family practice teaching hospitals; amending s. 624.91, F.S.; deleting provisions requiring that the Florida Healthy Kids Corporation establish a local match policy each fiscal year for enrolling certain children in the Healthy Kids program; requiring the Office of Program Policy Analysis and Government Accountability to review the Comprehensive Assessment and Review for Long-Term Care Services (CARES) Program within the Department of Elderly Affairs and report to the President of the Senate and the Speaker of the House of Representatives by a specified date; providing an effective date.

By the Committee on Health and Human Services Appropriations; and Senator Saunders—

CS for SB 394—A bill to be entitled An act relating to social services; amending s. 393.0661, F.S.; deleting provisions requiring the Agency for

Health Care Administration to make certain adjustments with respect to home and community-based services; requiring that the Agency for Persons with Disabilities report to the Governor and Legislature the financial status of home and community-based services provided under a federally approved waiver; requiring that the agency adjust the rates for such services in order to remain within the amount appropriated; amending s. 440.02, F.S.; deleting provisions providing for the expiration of an exemption from coverage under workers' compensation law for certain clients enrolled in the Medicaid program who are served by Adult Day Training Services; providing an effective date.

By the Committee on Health and Human Services Appropriations; and Senator Saunders—

CS for SB 398—A bill to be entitled An act relating to funding for social services; amending s. 394.457, F.S.; deleting provisions authorizing a reimbursement rate of 100 percent by the Department of Children and Family Services for certain services provided under the Baker Act; amending s. 394.908, F.S.; revising the methodology for distributing funds for certain substance abuse and mental health services; repealing s. 402.33(10), F.S., relating to provisions authorizing the use of certain excess funds for nonrecurring expenditures incurred in providing direct client services and for certain administrative costs; amending s. 409.1671, F.S.; revising provisions requiring that a statewide risk pool be established for community-based providers, their subcontractors, and providers of other social services who contract with the Department of Children and Family Services; requiring that the department develop a plan, in consultation with the Florida Coalition for Children, Inc., regarding the long-term use and structure of the risk pool; deleting certain restrictions governing payments for insolvency; authorizing the department to issue an interest-free loan to the Florida Coalition for Children, Inc.; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senators Wilson and Hill—

CS for SB 436—A bill to be entitled An act relating to the social status of black men and boys; creating the Council on the Social Status of Black Men and Boys; providing for the appointment and qualification of members; providing for the appointment of members to fill vacant positions; providing for terms of office; requiring the council to make a systematic study of conditions affecting black men and boys; requiring the Office of the Attorney General to provide administrative support; requiring the council to submit an annual report to the Governor and Legislature; providing for reimbursement for per diem and travel expenses; requiring the Attorney General to organize the initial meeting of the council; providing for the expiration of the council; providing an appropriation; providing an effective date.

By the Committees on Children and Families; Judiciary; and Senator Saunders—

CS for CS for SB 472—A bill to be entitled An act relating to guardianship; amending s. 744.102, F.S.; defining the terms “audit” and “surrogate guardian”; amending s. 744.1083, F.S.; authorizing revocation or suspension of a guardian's registration; providing that the Statewide Public Guardianship Office need not review credit and criminal investigations from a college or university before registering the institution as a professional guardian; amending s. 744.301, F.S.; providing that in the event of death, the surviving parent is the sole natural guardian of a minor; prohibiting a natural guardian from using the property of the ward for the guardian's benefit without a court order; creating s. 744.3025, F.S.; authorizing a court to appoint a guardian ad litem to represent a minor's interest in certain claims that exceed a specified amount; requiring a court to appoint a guardian ad litem to represent a minor's interest in certain claims that exceed a specified amount; providing that a court need not appoint a guardian ad litem under certain circumstances; requiring a court to award reasonable fees and costs to the guardian ad litem; amending s. 744.3031, F.S.; increasing the time an emergency temporary guardian may serve to 90 days; authorizing an extension; requiring an emergency temporary guardian to file

a final report; providing for the contents of the final report; amending s. 744.304, F.S.; specifying the persons who may file a petition for a standby guardian; requiring that notice of the appointment hearing be served on the ward's next of kin; clarifying when a standby guardian may assume the duties of guardian; requiring that each standby guardian submit to credit and criminal background checks; amending s. 744.3115, F.S.; providing a cross-reference; amending s. 744.3145, F.S.; reducing the time in which a guardian must complete the education courses from 1 year to 4 months; amending s. 744.3215, F.S.; providing that an incapacitated person retains the right to receive necessary services and rehabilitation necessary to maximize the quality of the person's life; amending s. 744.331, F.S.; requiring that the court appoint an attorney from a specified registry; requiring attorneys to complete certain training programs; providing that a member of the examining committee may not be related to or associated with certain persons; prohibiting a person who served on an examining committee from being appointed as the guardian; requiring each member of an examining committee to file an affidavit stating that he or she has completed the mandatory training; providing for training programs; requiring each member to file a report regarding his or her examination of an alleged incapacitated person; providing for an award of attorney's fees; amending s. 744.341, F.S.; requiring the voluntary guardian to include certain information in the annual report; requiring that certain specified information be included in the notice to terminate a voluntary guardianship; amending s. 744.361, F.S.; requiring a professional guardian to ensure that each of his or her wards is personally visited at least quarterly; providing for the assessment of certain conditions during the personal visit; amending s. 744.365, F.S.; requiring that the verified inventory include information on any trust to which a ward is a beneficiary; amending s. 744.367, F.S.; requiring that the annual report of the guardian be filed on or before April 1 of each year; amending s. 744.3675, F.S.; requiring that the annual guardianship plan include information on the mental condition of the ward; providing for an annual guardianship plan for wards who are minors; amending s. 744.3678, F.S.; providing that property of or a trust benefiting the ward which is not under the control of the guardian is not subject to annual accounting; requiring certain documentation for the annual accounting; amending s. 744.3679, F.S.; removing a provision prohibiting the clerk of court from having responsibility for monitoring or auditing accounts in certain cases; amending s. 744.368, F.S.; requiring that the verified inventory and the accountings be audited within a specified time period; amending s. 744.441, F.S.; providing that a guardian, with the approval of the court, may amend a revocable trust of the property of the ward; creating s. 744.442, F.S.; providing that a guardian may designate a surrogate guardian to exercise the powers of the guardian if the guardian is unavailable to act; requiring the surrogate guardian to be a professional guardian; providing the procedures to be used in appointing a surrogate guardian; providing the duties of a surrogate guardian; requiring the guardian to be liable for the acts of the surrogate guardian; authorizing the guardian to terminate the services of the surrogate guardian by filing a written notice of the termination with the court; amending s. 744.464, F.S.; removing the state attorney from the list of persons to be served a notice of a hearing on restoration of capacity; removing a time limitation on the filing of a suggestion of capacity; amending s. 744.474, F.S.; revising the circumstances under which a guardian may be removed; providing a rebuttable presumption that certain relatives act in the best interests of the ward; amending s. 744.511, F.S.; providing that a ward who is a minor need not be served with the final report of a removed guardian; amending s. 744.527, F.S.; providing that final reports for a deceased ward be filed at a specified time; amending s. 744.528, F.S.; providing for a notice of the hearing for objections to a report filed by a guardian; amending s. 744.708, F.S.; requiring a public guardian to ensure that each of his or her wards is personally visited at least quarterly; providing for the assessment of certain conditions during the personal visit; amending s. 765.101, F.S.; redefining the term “health care decision” to include informed consent for mental health treatment services; amending ss. 121.091, 121.4501, 709.08, and 744.1085, F.S.; conforming cross-references; reenacting s. 117.107(4), F.S., relating to prohibited acts of a notary public, to incorporate the amendment made to s. 744.3215, F.S., in a reference thereto; providing an effective date.

By the Committee on Commerce and Consumer Services; and Senator Diaz de la Portilla—

CS for SB 494—A bill to be entitled An act relating to commercial development and capital improvements; amending s. 212.20, F.S.; providing for distribution of a portion of revenues from the tax on sales, use, and other transactions to a motorsports entertainment complex; providing a limit on such distributions; creating s. 288.1171, F.S.; providing definitions; providing for the certification of such a facility by the Office of Tourism, Trade, and Economic Development of the Executive Office of the Governor; providing requirements for certification; requiring specified notice; providing for use of the funds distributed to a motorsports entertainment complex; providing for audits by the Department of Revenue; providing an effective date.

By the Committee on Community Affairs; and Senator Haridopolos—

CS for SB 600—A bill to be entitled An act relating to stand-alone bars; amending s. 561.695, F.S.; providing for a penalty to be imposed against a licensed vendor who knowingly makes a false statement on an annual compliance affidavit; removing a requirement that licensed vendors file a procedures report regarding compliance with certain food service limitations; providing an effective date.

By the Committees on Governmental Oversight and Productivity; and Judiciary—

CS for SB 710—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 787.03, F.S.; revising the public-records exemption for certain information submitted to a sheriff or state attorney as part of a statutory exception to the offense of interference with custody; narrowing the public-records exemption to exclude the name of the person who effects the taking; specifying that the information covered by the public-records exemption relates to the taking of a minor; expanding the exemption to provide confidentiality for information related to the taking of an incompetent person; providing for agencies to inspect and copy confidential and exempt information in the transaction of official business; providing for future legislative review and repeal of the public-records exemption under the Open Government Sunset Review Act; deleting obsolete provisions; providing a statement of public necessity; providing a contingent effective date.

By the Committee on Communications and Public Utilities; and Senators Constantine, Aronberg, Dockery, Atwater, Baker, Diaz de la Portilla, Bennett, Klein, Campbell, Bullard and Wilson—

CS for SB 888—A bill to be entitled An act relating to energy; creating the Florida Energy Commission, which is located within the Office of Legislative Services for administrative purposes; providing for the membership of the commission; providing for appointment, terms of office, and qualifications of members; providing for voting members to be reimbursed for per diem and travel expenses; providing for meetings of the commission; authorizing the commission to employ staff; requiring that the commission develop policy recommendations concerning specified issues which are based on specified guidelines; requiring an annual report to the Governor, Cabinet, and Legislature; transferring all powers, functions, records, personnel, property, and unexpended balances of appropriations of the state energy program within the Department of Environmental Protection to the Florida Energy Commission; requiring a study and a report to the Governor and Legislature concerning the electric transmission grid; providing legislative findings and intent; creating s. 377.801, F.S.; creating the “Florida Renewable Energy Technologies and Energy Efficiency Act”; creating s. 377.802, F.S.; stating the purpose of the act; creating s. 377.803, F.S.; providing definitions; creating s. 377.804, F.S.; creating the Renewable Energy Technologies Grants Program; providing program requirements and procedures, including matching funds; creating s. 377.805, F.S.; creating the Energy Efficient Appliance Rebate Program; providing program requirements, procedures, and limitations; creating s. 377.806, F.S.; creating the Solar Energy System Rebate Program; providing program requirements, proce-

dures, and limitations; amending s. 212.08, F.S.; providing definitions for the terms “biodiesel” and “ethanol”; providing tax exemptions for the sale or use of certain energy efficient products; providing eligibility requirements and tax credit limits; directing the department to adopt rules; directing the department to determine and publish certain information relating to such exemptions; amending s. 213.053, F.S.; authorizing the Department of Revenue to share certain information with the Department of Environmental Protection for specified purposes; amending s. 220.02, F.S.; providing the order of application of the renewable energy technologies investment tax credit; creating s. 220.192, F.S.; establishing a corporate tax credit for certain costs related to renewable energy technologies; providing eligibility requirements and credit limits; providing certain authority to the Department of Environmental Protection and the Department of Revenue; directing the Department of Environmental Protection to determine and publish certain information; providing for repeal of the tax credit; amending s. 220.13, F.S.; providing an addition to the definition of “adjusted federal income”; amending s. 186.801, F.S.; revising the provisions of electric utility 10-year site plans to include the effect on fuel diversity; amending s. 366.04, F.S.; revising the safety standards for public utilities; amending s. 366.05, F.S.; authorizing the Public Service Commission to adopt certain construction standards and make certain determinations; amending s. 403.503, F.S.; revising and providing definitions applicable to the Florida Electrical Power Plant Siting Act; amending s. 403.504, F.S.; providing the Department of Environmental Protection with additional powers and duties relating to the Florida Electrical Power Plant Siting Act; amending s. 403.5055, F.S.; revising provisions for certain permits associated with applications for electrical power plant certification; amending s. 403.506, F.S.; revising provisions relating to applicability and certification of certain power plants; amending s. 403.5064, F.S.; revising provisions for distribution of applications and schedules relating to certification; amending s. 403.5065, F.S.; revising provisions relating to the appointment of administrative law judges; amending s. 403.5066, F.S.; revising provisions relating to the determination of completeness for certain applications; creating s. 403.50663, F.S.; authorizing certain local governments and regional planning councils to hold an informational public meeting; providing requirements and procedures therefor; creating s. 403.50665, F.S.; requiring local governments to file certain land use determinations; providing requirements and procedures therefor; repealing s. 403.5067, F.S.; relating to the determination of sufficiency for certain applications; amending s. 403.507, F.S.; revising required statement provisions for affected agencies; amending s. 403.508, F.S.; revising provisions related to land use and certification proceedings; requiring certain notice; amending s. 403.509, F.S.; revising provisions related to the final disposition of certain applications; providing requirements and provisions with respect thereto; amending s. 403.511, F.S.; revising provisions related to the effect of certification for the construction and operation of proposed power plants; providing that issuance of certification meets certain consistency requirements; creating s. 403.5112, F.S.; requiring filing of notice for certified corridor routes; providing requirements and procedures with respect thereto; creating s. 403.5113, F.S.; authorizing postcertification amendments for power plant site certification applications; providing requirements and procedures with respect thereto; amending s. 403.5115, F.S.; requiring certain public notice for activities related to power plant site application, certification, and land use determination; providing requirements and procedures with respect thereto; directing the Department of Environmental Protection to maintain certain lists and provide copies to of certain publications; amending s. 403.513, F.S.; revising provisions for judicial review of appeals related to power plant site certification; amending s. 403.516, F.S.; revising provisions relating to modification of certification for power plant sites; amending s. 403.517, F.S.; revising the provisions relating to supplemental applications for certain power plant sites; amending s. 403.5175, F.S.; revising provisions relating to existing power plant site certification; revising the procedure for reviewing and processing applications; requiring additional information to be included in certain applications; amending s. 403.518, F.S.; revising the allocation of proceeds from certain fees collected; providing for reimbursement of certain expenses; directing the Department of Environmental Protection to establish rules for determination of certain fees; eliminating certain operational license fees; amending s. 403.519, F.S.; directing the Public Service Commission to consider fuel diversity and reliability in certain determinations; amending s. 403.52, F.S.; changing the short title to the “Florida Electric Transmission Line Siting Act”; amending s. 403.521, F.S.; revising legislative intent; amending s. 403.522, F.S.; revising definitions; defining the terms “licensee” and “maintenance and access

roads"; amending s. 403.523, F.S.; revising powers and duties of the Department of Environmental Protection; requiring the department to collect and process fees, to prepare a project analysis, to act as clerk for the siting board, and to administer and manage the terms and conditions of the certification order and supporting documents and records; amending s. 403.524, F.S.; revising provisions for applicability, certification, and exemptions under the act; revising provisions for notice by an electric utility of its intent to construct an exempt transmission line; amending s. 403.525, F.S.; providing for powers and duties of the administrative law judge designated by the Division of Administrative Hearings to conduct the required hearings; amending s. 403.5251, F.S.; revising application procedures and schedules; providing for the formal date of filing an application for certification and commencement of the certification review process; requiring the department to prepare a proposed schedule of dates for determination of completeness and other significant dates to be followed during the certification process; providing for the formal date of application distribution; requiring the applicant to provide notice of filing the application; amending s. 403.5252, F.S.; revising timeframes and procedures for determination of completeness of the application; requiring the department to consult with affected agencies; revising requirements for the department to file a statement of its determination of completeness with the Division of Administrative Hearings, the applicant, and all parties within a certain time after distribution of the application; revising requirements for the applicant to file a statement with the department, the division, and all parties, if the department determines the application is not complete; providing for the statement to notify the department whether the information will be provided; revising timeframes and procedures for contests of the determination by the department; providing for parties to a hearing on the issue of completeness; amending s. 403.526, F.S.; revising criteria and procedures for preliminary statements of issues, reports, and studies; revising timeframes; requiring that the preliminary statement of issues from each affected agency be submitted to the department and the applicant; revising criteria for the Department of Community Affairs' report; requiring the Department of Transportation, the Public Service Commission, and any other affected agency to prepare a project report; revising required content of the report; providing for notice of any nonprocedural requirements not listed in the application; providing for failure to provide such notification; providing for a recommendation for approval or denial of the application; providing that receipt of an affirmative determination of need is a condition precedent to further processing of the application; requiring that the department prepare a project analysis to be filed with the administrative law judge and served on all parties within a certain time; amending s. 403.527, F.S.; revising procedures and timeframes for the certification hearing conducted by the administrative law judge; revising provisions for notices and publication of notices, public hearings held by local governments, testimony at the public-hearing portion of the certification hearing, the order of presentations at the hearing, and consideration of certain communications by the administrative law judge; requiring the applicant to pay certain expenses and costs; requiring the administrative law judge to issue a recommended order disposing of the application; requiring that certain notices be made in accordance with specified requirements and within a certain time; requiring the Department of Transportation to be a party to the proceedings; providing for the administrative law judge to cancel the certification hearing and relinquish jurisdiction to the Department of Environmental Protection upon request by the applicant or the department; requiring the department and the applicant to publish notice of such cancellation; providing for parties to submit proposed recommended orders to the department when the certification hearing has been canceled; providing that the department prepare a recommended order for final action by the siting board when the hearing has been canceled; amending s. 403.5271, F.S.; revising procedures and timeframes for consideration of proposed alternate corridors; revising notice requirements; providing for notice of the filing of the alternate corridor and revised time schedules; providing for notice to agencies newly affected by the proposed alternate corridor; requiring the person proposing the alternate corridor to provide all data to the agencies within a certain time; providing for a determination by the department that the data is not complete; providing for withdrawal of the proposed alternate corridor upon such determination; requiring that agencies file reports with the applicant and the department which address the proposed alternate corridor; requiring that the department file with the administrative law judge, the applicant, and all parties a project analysis of the proposed alternate corridor; providing that the party proposing an alternate corridor has the burden of proof concerning

the certifiability of the alternate corridor; amending s. 403.5272, F.S.; revising procedures for informational public meetings; providing for informational public meetings held by regional planning councils; revising timeframes; amending s. 403.5275, F.S.; revising provisions for amendment to the application prior to certification; amending s. 403.528, F.S.; providing that a comprehensive application encompassing more than one proposed transmission line may be good cause for altering established time limits; amending s. 403.529, F.S.; revising provisions for final disposition of the application by the siting board; providing for the administrative law judge's or department's recommended order; amending s. 403.531, F.S.; revising provisions for conditions of certification; amending s. 403.5312, F.S.; requiring the applicant to file notice of a certified corridor route with the department; amending s. 403.5315, F.S.; revising the circumstances under which a certification may be modified after the certification has been issued; providing for procedures if objections are raised to the proposed modification; creating s. 403.5317, F.S.; providing procedures for changes proposed by the licensee after certification; requiring the department to determine within a certain time if the proposed change requires modification of the conditions of certification; requiring notice to the licensee, all agencies, and all parties of changes that are approved as not requiring modification of the conditions of certification; creating s. 403.5363, F.S.; requiring publication of certain notices by the applicant, the proponent of an alternate corridor, and the department; requiring the department to adopt rules specifying the content of such notices; amending s. 403.5365, F.S.; revising application fees and the distribution of fees collected; revising procedures for reimbursement of local governments and regional planning organizations; amending s. 403.537, F.S.; revising the schedule for notice of a public hearing by the Public Service Commission in order to determine the need for a transmission line; providing that the commission is the sole forum in which to determine the need for a transmission line; amending ss. 373.441, 403.061, 403.0876, and 403.809, F.S.; conforming terminology to changes made by the act; repealing ss. 403.5253 and 403.5369, F.S., relating to determination of sufficiency of application or amendment to the application and the application of the act to applications filed before a certain date; creating s. 570.954, F.S.; providing a short title; providing legislative findings; providing purposes; providing definitions; establishing the Farm to Fuel Grants Program; providing criteria for distribution of grants; authorizing appointment of an advisory council; providing purposes; providing membership; authorizing the department to adopt rules; providing an appropriation; creating s. 220.192, F.S.; providing certain tax credits for certain producers of ethanol and biodiesel; authorizing the Department of Revenue to adopt certain rules relating to the tax credits; providing for future repeal of the tax credits; requiring a report to the Governor and Legislature; providing an effective date.

By the Committee on Agriculture; and Senator Posey—

CS for SB 990—A bill to be entitled An act relating to regulated reptiles; amending s. 372.86, F.S.; requiring the Fish and Wildlife Conservation Commission to establish a list of reptiles subject to regulation; authorizing the commission to adopt rules; amending s. 372.87, F.S.; requiring licensure for the keeping, possessing, or exhibiting of regulated reptiles; amending s. 372.88, F.S.; increasing the required bond amount for the exhibition of regulated reptiles; requiring such bonds to be payable to the commission; amending s. 372.89, F.S.; requiring safe, secure, and proper housing of regulated reptiles; amending s. 372.90, F.S.; providing for the transportation of regulated reptiles; amending s. 372.901, F.S.; providing for the inspection of regulated reptiles; requiring the commission to establish a reporting system for certain activities related to regulated reptiles; amending s. 372.91, F.S.; authorizing certain persons to open regulated reptile cages; renumbering s. 372.911, F.S., relating to rewards, to conform; renumbering and amending s. 372.912, F.S., relating to organized regulated reptile hunts; amending s. 372.92, F.S.; providing criminal penalties for certain activities related to regulated reptiles; providing an effective date.

By the Committees on Environmental Preservation; Community Affairs; and Senator Bennett—

CS for CS for SB 1020—A bill to be entitled An act relating to growth management; amending s. 163.3177, F.S.; encouraging local govern-

ments to adopt boating facility siting plans; providing criteria and exemptions for such plans; authorizing assistance for the development of such plans; amending s. 163.3180, F.S., relating to concurrency; providing restrictions upon requirements that local governments may impose upon transportation facilities; amending s. 197.303, F.S.; revising the criteria for ad valorem tax deferral for working waterfront properties; including public lodging establishments in the description of working waterfront properties; amending s. 342.07, F.S.; adding recreational activities as an important state interest; including public lodging establishments within the definition of the term “recreational and commercial working waterfront”; creating s. 373.4132, F.S.; directing water management district governing boards and the Department of Environmental Protection to require permits for certain activities relating to certain dry storage facilities; providing criteria for application of such permits; preserving regulatory authority for the department and governing boards; amending s. 380.06, F.S.; providing for the state land planning agency to determine the amount of development that remains to be built in certain circumstances; specifying certain requirements for a development order; revising the circumstances in which a local government may issue permits for development subsequent to the buildout date; revising the definition of an essentially built-out development; revising the criteria under which a proposed change constitutes a substantial deviation; clarifying the criteria under which the extension of a buildout date is presumed to create a substantial deviation; requiring that notice of any change to certain set-aside areas be submitted to the local government; requiring that notice of certain changes be given to the state land planning agency, regional planning agency, and local government; revising the statutory exemptions from development-of-regional-impact review for certain facilities; removing waterport and marina developments from development-of-regional-impact review; providing statutory exemptions for the development of certain facilities; providing that the impacts from an exempt use that will be part of a larger project be included in the development-of-regional-impact review of the larger project; amending s. 380.0651, F.S.; revising the statewide guidelines and standards for development-of-regional-impact review of certain types of developments; allowing the state land planning agency to consider the impacts of independent developments of regional impact cumulatively under certain circumstances; amending s. 380.07, F.S.; revising the appellate procedures for development orders within a development of regional impact to the Florida Land and Water Adjudicatory Commission; amending s. 380.115, F.S.; providing that a change in a development-of-regional-impact guideline and standard does not abridge or modify any vested right or duty under a development order; providing a process for the rescission of a development order by the local government in certain circumstances; providing an exemption for certain applications for development approval and notices of proposed changes; prohibiting the sale or exclusive control of the real property or operations of any port in this state to an entity controlled by a foreign government or a foreign business entity without the express consent of the Legislature; providing for severability; providing an effective date.

By the Committee on Judiciary; and Senator Margolis—

CS for SB 1030—A bill to be entitled An act relating to charter schools; amending s. 1002.33, F.S.; providing that the sponsor of a charter school shall not be liable for civil damages for certain actions; providing that the duty to monitor a charter school shall not be the basis for a private cause of action; prescribing limits on immunities of a charter school sponsor; providing that nothing related to a sponsor’s duties shall be considered a waiver of sovereign immunity by a sponsor; expanding a school district’s immunity from assumption of contractual debts; providing an effective date.

By the Committee on Governmental Oversight and Productivity—

CS for SB 1040—A bill to be entitled An act relating to retirement; amending s. 121.71, F.S.; revising the payroll contribution rates for the membership classes of the Florida Retirement System for the state fiscal years effective July 1, 2006, and July 1, 2007; providing a declaration of important state interest; providing an effective date.

By the Committees on Health Care; Community Affairs; Domestic Security; and Senators Diaz de la Portilla and Wise—

CS for CS for CS for SB 1058—A bill to be entitled An act relating to emergency management; amending s. 252.355, F.S.; specifying additional entities and agencies that are required to provide registration information to persons with disabilities or special needs for purposes of inclusion within the registry of persons with special needs maintained by local emergency management agencies; providing that the Department of Community Affairs shall be the designated lead agency responsible for community education and outreach to the general public, including persons with special needs, regarding registration as a person with special needs, special needs shelters, and general information regarding shelter stays; requiring the department to disseminate educational and outreach information through local emergency management offices; requiring the department to coordinate community education and outreach related to special needs shelters with specified agencies and entities; providing that special needs shelters must allow persons with special needs to bring service animals into special needs shelters; revising provisions with respect to the required notification of residential utility customers of the availability of the special needs registration program; providing that specified confidential and exempt information relating to registration of persons with special needs be provided to the Department of Health and local law enforcement agencies; creating s. 252.3568, F.S.; requiring the Division of Emergency Management to address evacuation of persons with pets in the shelter component of the state comprehensive emergency management plan; creating s. 252.357, F.S., requiring the Florida Comprehensive Emergency Management Plan to permit the Agency for Health Care Administration to make initial contact with each nursing home in a disaster area; requiring the agency to annually publish an emergency telephone number that may be used by nursing homes to contact the agency; amending s. 252.385, F.S., relating to public shelter space; requiring the Division of Emergency Management of the Department of Community Affairs to biennially prepare and submit a statewide emergency shelter plan to the Governor and the Cabinet for approval; providing plan requirements; requiring the Department of Health to provide specified assistance to the division; revising those facilities which are excluded as being suitable for use as public hurricane evacuation shelters; requiring local emergency management agencies to inspect a designated facility prior to activation to determine its readiness; amending s. 381.0303, F.S.; providing for the operation, maintenance, and closure of special needs shelters; providing that local Children’s Medical Services offices shall assume lead responsibility for specified coordination with respect to the development of a plan for the staffing and medical management of pediatric special needs shelters; requiring such plans to conform to the local comprehensive emergency management plan; requiring county governments to assist the Department of Health with nonmedical staffing and operation of special needs shelters; requiring local health departments and emergency management agencies to coordinate such efforts to ensure appropriate staffing; providing that the appropriate county health department, Children’s Medical Services office, and local emergency management agency shall jointly determine the responsibility for medical supervision in a special needs shelter; providing notification requirements; requiring local emergency management agencies to be responsible for the infrastructure and closure of special needs shelters; requiring the emergency management agency and the local health department to coordinate efforts to ensure appropriate designation, operation, and infrastructure in special needs shelters; providing that a county health department is not prohibited from entering into an alternative agreement with a local emergency management agency to assume the lead responsibility for special needs shelter supplies and equipment; providing that state employees with a preestablished role in disaster response are subject to serve in times of disaster in specified capacities; requiring the Secretary of Elderly Affairs to convene multiagency special needs shelter discharge planning teams to assist local areas that are severely impacted by a natural or manmade disaster that requires the use of special needs shelters; providing duties and responsibilities of such discharge planning teams; providing for the inclusion of specified state agency representatives on each discharge planning team; revising provisions relating to reimbursement of health care practitioners; providing for eligibility of specified health care facilities for reimbursement when a multiagency special needs shelter discharge planning team discharges persons with special needs to such receiving facilities; providing procedures and requirements with respect to such reimbursement; requiring the department to specify by rule expenses that are reimbursable and the rate of

reimbursement for services; revising provisions which prescribe means of and procedures for reimbursement; disallowing specified reimbursements; revising provisions with respect to the organization, role, duties, and composition of the special needs shelter interagency committee; requiring the department to adopt specified rules with respect to special needs shelters; providing requirements with respect to emergency management plans submitted to a county health department by a home health agency, nurse registry, hospice, or home medical equipment provider; amending ss. 400.492, 400.497, 400.506, 400.610, and 400.934, F.S.; revising requirements with respect to the comprehensive emergency management plans of home health agencies, nurse registries, and hospices, and providing such requirements with respect to home medical equipment providers, to include the means by which continuing services will be provided to patients who evacuate to special needs shelters; authorizing the establishment of links to local emergency operations centers for specified purposes; providing actions that constitute abandonment of a patient; providing sanctions for abandonment; revising requirements of a county health department with respect to review of a comprehensive emergency management plan submitted by a home health agency, nurse registry, or hospice, and providing such requirements with respect to a home medical equipment provider; providing requirements upon failure to submit a plan or requested information to the department; providing for imposition of a fine; revising requirements of the Department of Health with respect to review of the plan of a home health agency, nurse registry, or hospice that operates in more than one county, and providing such requirements with respect to a home medical equipment provider that operates in more than one county; providing that the preparation and maintenance of a comprehensive emergency management plan by a home medical equipment provider is a requirement for licensure and must meet minimum criteria established by the Agency for Health Care Administration; providing plan requirements; providing that the plan is subject to review and approval by the county health department; requiring each home medical equipment provider to maintain a current prioritized list of patients who need continued services during an emergency; amending s. 400.925, F.S.; defining "life-supporting or life-sustaining equipment" for purposes of pt. X of ch. 400, F.S., relating to home medical equipment providers; amending s. 400.935, F.S.; requiring the Agency for Health Care Administration to adopt rules with respect to the comprehensive emergency management plan prepared by a home medical equipment services provider; amending s. 408.831, F.S.; providing that entities regulated or licensed by the Agency for Health Care Administration may exceed their licensed capacity to act as a receiving facility under specified circumstances; providing requirements while such entities are in an overcapacity status; providing for issuance of an inactive license to such licensees under specified conditions; providing requirements and procedures with respect to the issuance and reactivation of an inactive license; providing fees; providing an effective date.

By the Committees on Governmental Oversight and Productivity; Community Affairs; and Senator Bennett—

CS for CS for SB 1112—A bill to be entitled An act relating to the issuance of licenses and development permits; amending s. 120.60, F.S.; requiring that a state agency include a citation to the applicable rule when giving notice of its decision to issue or deny a license; creating s. 125.022, F.S.; requiring a county to give written notice of its decision to issue or deny a development permit under certain conditions; requiring that the notice include a citation to the applicable ordinance; providing criteria for the notice; creating s. 166.033, F.S.; requiring a municipality to give written notice of its decision to issue or deny a development permit under certain conditions; requiring that the notice include a citation to the applicable ordinance; providing criteria for the notice; providing an effective date.

By the Committee on Regulated Industries; and Senators Aronberg and Argenziano—

CS for SB 1172—A bill to be entitled An act relating to public food service establishments; providing legislative findings and intent; creating s. 509.233, F.S.; creating a pilot program that authorizes municipalities to adopt an ordinance establishing a local exemption to certain

provisions of general law and agency rules relating to public food service establishments in order to permit patrons' dogs at certain designated outdoor portions of such establishments; providing for implementation and enforcement procedures; providing for state assistance; providing for future review and repeal; providing an effective date.

By the Committees on Government Efficiency Appropriations; Environmental Preservation; and Senator Lawson—

CS for CS for SB 1208—A bill to be entitled An act relating to funding for oyster management and restoration programs in Apalachicola Bay and other areas; amending s. 201.15, F.S.; requiring that certain revenues from the excise tax on documents be used for oyster management and restoration programs in Apalachicola Bay and other areas; amending s. 370.07, F.S.; abolishing a surcharge upon oysters harvested from Apalachicola Bay; deleting certain requirements related to the surcharge; providing for the use of moneys from the General Inspection Trust Fund for oyster management and restoration programs in Apalachicola Bay and other areas; amending s. 213.05, F.S., to conform; prohibiting the Department of Revenue from collecting uncollected moneys payable from the surcharge; providing effective dates.

By the Committee on Governmental Oversight and Productivity; and Senator Wise—

CS for SB 1278—A bill to be entitled An act relating to youth and young adults with disabilities; creating the Interagency Services Committee for Youth and Young Adults with Disabilities; providing legislative intent; providing that the committee be staffed by member agencies of the committee; providing for the membership of the committee; providing duties and responsibilities for the committee; requiring the committee to submit a report to the Governor and the Legislature; providing an effective date.

By the Committee on Transportation and Economic Development Appropriations; and Senator Sebesta—

CS for SB 1350—A bill to be entitled An act relating to the Department of Transportation; amending s. 215.615, F.S.; revising matching requirements for revenue bonds issued for fixed-guideway transportation systems; amending s. 337.11, F.S.; amending notification requirements for construction contracts; amending s. 337.14, F.S.; providing exemptions from prequalification requirements for certain projects; amending s. 337.18, F.S.; revising requirements for surety bonds for certain construction projects; amending s. 338.161, F.S.; providing that toll agencies may enter into agreements to promote additional uses of the electronic toll collection system; amending s. 338.2275, F.S.; deleting obsolete provisions; revising the maximum amount of bonds that are available for turnpike projects; providing an effective date.

By the Committee on Health Care; and Senator Atwater—

CS for SB 1366—A bill to be entitled An act relating to radiologist assistants; amending s. 468.3001, F.S.; redesignating part IV of ch. 468, F.S., as the "Radiological Personnel Certification Act"; amending s. 468.301, F.S.; providing definitions; amending s. 468.302, F.S.; providing for identification and duties of a radiologist assistant; providing for rulemaking by the Department of Health; providing limitations on duties a radiologist assistant may perform; amending s. 468.304, F.S.; providing conditions for qualification for a radiologist assistant's certificate; amending s. 468.306, F.S.; requiring certain applicants for certification as a radiographer to pass an examination; requiring the department to accept certain demonstrations by an applicant for a certification to practice as a radiologist assistant in lieu of any examination requirement; amending s. 468.3065, F.S.; authorizing the Department of Health to issue certificates by endorsement to certain radiologist assistants; providing for a fee; amending ss. 468.307, 468.309, 468.3095, 468.3101, 468.311, and 468.3115, F.S.; including radiologist assistants in provisions applicable to radiologic technologists with respect to requirements

for certificate display, certificate renewal, change of certificate status, grounds for disciplinary action, violations, penalties, and injunctive relief; amending s. 468.314, F.S.; adding a certified radiologist assistant to the membership of the Advisory Council on Radiation Protection; providing an effective date.

By the Committee on Judiciary; and Senator Wise—

CS for SB 1372—A bill to be entitled An act relating to children in foster care; providing for the creation of the Community Advisory Panel on Foster Care Pilot Program in Duval County; providing purposes and goals; providing for cooperative participation by specified entities and individuals; creating the Community Advisory Panel on Foster Care; providing for panel membership; providing for a chairperson; providing duties of specified judges and panel members; providing for administration by a community-based care lead agency; providing for hiring specified personnel; requiring development of an assessment tool to determine the effectiveness of the program; requiring an annual report; providing for future expiration of the pilot program; providing an appropriation; requiring a contract with the community-based care lead agency; providing an effective date.

By the Committees on Regulated Industries; Communications and Public Utilities; and Senator Miller—

CS for CS for SB 1394—A bill to be entitled An act relating to damage prevention and safety of underground facilities; amending s. 556.101, F.S.; providing legislative intent that Sunshine State One-Call of Florida, Inc., is not required or permitted to locate or mark underground facilities; amending s. 556.102, F.S.; redefining the term “member operator” to remove an exception for a small municipality that elects not to participate in the notification system; amending ss. 556.103 and 556.104, F.S.; deleting provisions exempting a small city from membership in the Sunshine State One-Call of Florida, Inc.; amending s. 556.105, F.S.; requiring that specified information be placed in the excavation notification system; providing an exception for underwater excavations; providing that the information is valid for 30 calendar days; requiring that a notification number assigned to an excavator be provided to a law enforcement officer, government code inspector, or code enforcement officer upon request; requiring that a member operator respond to the system within a specified time indicating the status of its facility protection operations; requiring the corporation to establish a communication system between member operators and excavators; requiring an excavator to verify the system’s positive responses before beginning excavation; requiring operators to use a specified color-code manual; amending s. 556.106, F.S.; providing that the notification system has no duty to and may not mark or locate underground facilities; providing that a person has no right of recovery against the notification system for failing to mark or locate underground facilities; providing that the system is not liable for the failure of a member operator to comply with the requirements of the act; amending s. 556.107, F.S.; correcting cross-references; providing for the distribution of civil penalties; authorizing the corporation to retain legal counsel to represent the corporation in certain legal proceedings; amending s. 556.108, F.S.; providing that certain single-family residential properties are not exempt from mandatory location notification; providing that certain excavations by surveyors, mappers, or pest control services are exempt from mandatory location notification if mechanized equipment is not used; amending s. 556.111, F.S.; providing that certain provisions do not preempt a governmental member operator from regulation of its right-of-way under certain conditions; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senator Argenziano—

CS for SB 1438—A bill to be entitled An act relating to custodial requirements for public records; amending s. 119.021, F.S.; clarifying the custodial requirements for a record that is confidential and exempt from disclosure pursuant to law; authorizing the custodian of such record to require an agency or other governmental entity that receives the

record to acknowledge in writing the confidential and exempt status of the record; providing an effective date.

By the Committees on Transportation and Economic Development Appropriations; Transportation; and Senator Margolis—

CS for CS for SB 1450—A bill to be entitled An act relating to license plates; amending ss. 320.08056 and 320.08058, F.S.; creating a Donate Organs-Pass It On license plate; providing for the distribution of annual use fees received from the sale of such plates; providing an effective date.

By the Committees on Governmental Oversight and Productivity; and Government Efficiency Appropriations—

CS for CS for SB 1678—A bill to be entitled An act relating to governmental operations; creating s. 216.0236, F.S.; providing legislative intent that the fees charged by state agencies for providing a regulatory service or regulating a profession or business cover the costs of the regulatory service or oversight; requiring that each state agency review its fees; providing criteria for the review; requiring that each agency, as part of its legislative budget request, provide to the Governor and Legislature information regarding alternatives for realigning revenues or costs to make a regulatory service or program self-sufficient or provide justification for a subsidy from other state funds; requiring legislative review of all regulatory fee structures at least once every 5 years; providing an effective date.

By the Committees on Governmental Oversight and Productivity; and Government Efficiency Appropriations—

CS for SB 1680—A bill to be entitled An act relating to public documents; amending s. 257.05, F.S.; requiring that each state official, agency, board, and court provide to the Division of Library and Information Services of the Department of State an annual list of public documents issued by the official, agency, board, or court; amending s. 283.31, F.S.; defining the term “publication” for purposes of a requirement that an executive agency maintain records of certain publication costs; amending s. 283.55, F.S.; revising the form used by each state agency for the purpose of purging publication mailing lists; providing an effective date.

By the Committee on Health Care; and Senator Saunders—

CS for SB 1690—A bill to be entitled An act relating to physician assistants; amending ss. 458.331 and 459.015, F.S.; appointing a physician assistant to probable cause panels of the Board of Medicine and the Board of Osteopathic Medicine considering discipline of physician assistants; providing qualifications for the physician assistants appointed to the panels; exempting the appointed physician assistants from certain training requirements concerning the grounds for disciplinary action; providing an effective date.

By the Committee on Children and Families; and Senator Campbell—

CS for SB 1694—A bill to be entitled An act relating to community-based care; establishing a 3-year pilot program in Miami-Dade, Monroe, and Broward Counties; providing for the transfer of certain responsibilities from the Department of Children and Family Services to specified community-based care lead agencies; providing for funding the pilot program from block grants and federal funds; requiring that the department enter into fixed-price contracts; requiring that annual financial statements regarding the pilot program be provided to the Governor, the department, and the Legislature; requiring that an independent arbitrator resolve certain disputes related to contracts; requiring that contract management and oversight be conducted by third-party entities; providing an exemption from s. 287.057, F.S.; requiring such entities to submit reports to the Governor and the Legislature; requiring that the department, the lead agencies implementing the pilot program, and the Agency

for Health Care Administration develop a plan for integrating certain Medicaid mental health services; providing that funding is contingent upon an appropriation; specifying that the annual evaluation required in s. 409.1671, F.S., include the pilot program; directing the Office of Program Policy Analysis and Government Accountability and the Office of the Auditor General to complete an evaluation of the pilot program; providing an effective date.

By the Committee on Ways and Means; and Senator Atwater—

CS for SB 1716—A bill to be entitled An act relating to state planning and budgeting; amending s. 11.90, F.S.; revising the membership of the Legislative Budget Commission; providing for the appointment of presiding officers; revising requirements for meetings and a quorum; revising requirements for appointing the staff of the commission; requiring the commission to review budget amendments recommended by the Governor or Chief Justice; authorizing the commission to perform other duties prescribed by the Legislature; creating s. 11.91, F.S.; creating the Government Efficiency Task Force for the purpose of recommending improvements to governmental operations and cost reductions; providing for the Governor, the President of the Senate, and the Speaker of the House of Representatives to appoint its members; requiring that the task force meet at 4-year intervals beginning on a specified date; authorizing the task force to conduct meetings through teleconferences; providing for members to be reimbursed for per diem and travel expenses; requiring the task force to complete its work within 1 year and report to the Legislative Budget Commission, the Governor, and the Chief Justice of the Supreme Court; amending s. 29.0095, F.S.; requiring the legislative appropriations committees to prescribe the format of budget expenditure reports; amending s. 100.371, F.S.; specifying that the Financial Impact Estimating Conference is within the legislative branch of government and under the direction of the President of the Senate and the Speaker of the House of Representatives; revising provisions governing public meetings of the conference; amending s. 216.011, F.S.; redefining the term “consultation” and defining the term “long-range financial outlook” for purposes of state fiscal affairs; creating s. 216.012, F.S.; providing requirements for the long-range financial outlook prepared by the Legislative Budget Commission; requiring state agencies to provide certain information; prescribing authority of the commission with respect to such information; specifying timeframes for the commission in completing the long-range financial outlook; amending s. 216.023, F.S.; clarifying certain requirements for legislative budget instructions; amending s. 216.065, F.S.; requiring that fiscal impact statements be provided to the Legislative Budget Commission in addition to the legislative appropriations committees; requiring that such statements contain information concerning subsequent fiscal years; amending s. 216.162, F.S.; revising the date for the Governor’s recommended budget to be furnished to the Legislature; authorizing the presiding officers of the Legislature to approve submission of the Governor’s recommended budget at a later date than otherwise required; amending s. 216.178, F.S.; extending the deadline for production of the final budget; providing a contingent effective date.

By the Committee on Children and Families; and Senator Rich—

CS for SB 1798—A bill to be entitled An act relating to independent living transition services; amending s. 409.1451, F.S.; revising eligibility requirements for certain young adults; revising duties of the Department of Children and Family Services regarding independent living transition services; including additional parties in the review of a child’s academic performance; requiring the department or a community-based care lead agency under contract with the department to develop a plan for delivery of such services; revising provisions governing life skills services; requiring that the department or provider work with the child to develop a joint transition plan; requiring judicial review of the plan; requiring additional aftercare support services; providing additional qualifications to receive an award under the Road-to-Independence Program; providing procedures for the payment of awards; requiring a community-based care lead agency to develop a plan for purchase and delivery of such services and requiring department approval prior to implementation; permitting the Independent Living Services Advisory Council to have access to certain data held by the department and certain

agencies; amending ss. 39.013 and 1009.25, F.S.; conforming references to changes made by the act; amending s. 39.701, F.S.; requiring the court to issue an order, separate from any other judicial review order, that the disabilities of nonage of the youth have been removed from the youth in foster care; creating s. 743.045, F.S.; removing the disability of nonage for certain youth in the legal custody of the Department of Children and Family Services who are in foster care to enable the youth to execute a contract for the lease of residential property in order that the youth may move into the leased residential property on the day of the youth’s 18th birthday; providing specified eligibility criteria; providing for the validity of the contracts; requiring the youth to present an order from a court of competent jurisdiction removing the disability of nonage; providing an effective date.

By the Committee on Commerce and Consumer Services; and Senator Fasano—

CS for SB 1886—A bill to be entitled An act relating to facilities for retained spring training franchises; amending s. 212.20, F.S.; revising a limitation on certain distributions to certified facilities for a retained spring training franchise; deleting a provision entitling an applicant to receive certain distributions without additional certification; amending s. 288.1162, F.S.; requiring the Office of Tourism, Trade, and Economic Development to competitively evaluate applications for funding of certain additional facilities; providing application and certification requirements; specifying evaluation criteria; revising the number of certifications of such facilities; providing an effective date.

By the Committee on Health Care; and Senator Peaden—

CS for SB 1922—A bill to be entitled An act relating to the State Long-Term Care Ombudsman Program; amending s. 400.0060, F.S.; providing and revising definitions; amending s. 400.0061, F.S.; revising legislative findings and intent; amending s. 400.0063, F.S.; revising provisions relating to qualifications of the State Long-Term Care Ombudsman; revising duties of the legal advocate; amending s. 400.0065, F.S.; revising duties and responsibilities of the State Long-Term Care Ombudsman; requiring an annual report; deleting provisions relating to conflict of interest; repealing s. 400.0066, F.S., relating to the Office of State Long-Term Care Ombudsman and departments of state government; amending s. 400.0067, F.S.; revising duties and membership of the State Long-Term Care Ombudsman Council; providing for election of a local council member from each local council to provide representation on the state council; authorizing the Secretary of Elderly Affairs to recommend to the Governor appointments for at-large positions on the state council; providing conditions for removal of members of and for filling vacancies on the state council; providing for election of officers and meetings; providing for per diem and travel expenses if approved by the ombudsman; deleting provisions relating to conflicts of interest and requests for appropriations; amending s. 400.0069, F.S.; authorizing the State Long-Term Care Ombudsman to designate and direct local long-term care ombudsman councils; requiring approval by the Secretary of Elderly Affairs of jurisdictional boundaries designated by the ombudsman; revising duties of local long-term care ombudsman councils; providing requirements and application for membership, election of officers, and meetings of local long-term care ombudsman councils; providing conditions for removal of members; providing for travel expenses for members of the council; deleting provisions relating to conflicts of interest; creating s. 400.0070, F.S.; consolidating provisions relating to conflicts of interest of the ombudsman; providing rulemaking authority to the Department of Elderly Affairs regarding conflicts of interest; amending s. 400.0071, F.S.; requiring rules for receiving, investigating, and assessing complaints against long-term care facilities; deleting provisions requiring the posting and distribution of copies of such procedures; amending s. 400.0073, F.S.; providing conditions for investigations of complaints by state and local ombudsman councils; providing that refusing to allow the ombudsman or a member of a state or local council to enter a long-term care facility is a violation of ch. 400, F.S., under certain circumstances; deleting conditions for onsite administrative inspections; creating s. 400.0074, F.S.; providing conditions and requirements for onsite administrative assessments of nursing homes, assisted living facilities, and adult family-care homes; prohibiting forcible entry of long-term care facilities; providing that refusing to allow the ombudsman or

a member of a state or local council to enter a long-term care facility is a violation of ch. 400, F.S., under certain circumstances; amending s. 400.0075, F.S.; providing complaint notification procedures for state and local councils; providing circumstances in which information relating to violations by a long-term care facility is provided to a local law enforcement agency; amending s. 400.0078, F.S.; requiring information relating to the State Long-Term Care Ombudsman Program to be provided to residents of long-term care facilities or their representatives; amending s. 400.0079, F.S.; providing for immunity from liability for certain persons; amending s. 400.0081, F.S.; requiring long-term care facilities to provide the Office of State Long-Term Care Ombudsman and state and local councils and their members with access to the facility and the records and residents of the facility; authorizing rather than requiring the department to adopt rules regarding access to facilities, records, and residents; amending s. 400.0083, F.S.; prohibiting certain actions against persons who file complaints; providing penalties; repealing s. 400.0085, F.S., relating to a penalty; amending s. 400.0087, F.S.; providing for oversight by and responsibilities of the department; requiring the department to provide certain funding for the State Long-Term Care Ombudsman Program; amending s. 400.0089, F.S.; requiring the office to maintain a data reporting system relating to complaints about and conditions in long-term care facilities and to residents therein; requiring the office to publish and include certain information in its annual report; amending s. 400.0091, F.S.; providing for training of employees of the office and members of the state and local councils; requiring the ombudsman to approve the curriculum and providing contents thereof; requiring certification of employees by the ombudsman; providing an effective date.

By the Committee on Commerce and Consumer Services; and Senators Garcia, Lynn and Atwater—

CS for SB 1966—A bill to be entitled An act relating to corporation not for profit self-insurance funds; creating s. 624.4624, F.S.; authorizing two or more corporations not for profit to form a self-insurance fund for certain purposes; providing specific requirements; providing an effective date.

By the Committee on Children and Families; and Senator Baker—

CS for SB 2010—A bill to be entitled An act relating to forensic treatment and training; amending s. 916.105, F.S.; revising legislative intent with respect to the treatment or training of defendants who are mentally ill, retarded, or autistic and are committed to the Agency for Persons with Disabilities; providing that it is the policy of the state to use restraint and seclusion only as an emergency safety measure in response to imminent danger; amending s. 916.106, F.S.; providing and revising definitions; amending s. 916.107, F.S., relating to the rights of forensic clients; conforming provisions to the transfer of duties from the Developmental Disabilities Program Office within the Department of Children and Family Services to the Agency for Persons with Disabilities; revising provisions governing the involuntary treatment of clients; requiring the coordination of services between the department, the agency, and the Department of Corrections; amending s. 916.1075, F.S.; revising definitions; revising certain prohibitions on sexual misconduct involving employees, volunteers, or interns of the Department of Children and Family Services or the Agency for Persons with Disabilities; deleting an exemption; requiring that notice of sexual misconduct be provided to the inspector general of the agency or department; amending s. 916.1081, F.S.; providing that an escape or an attempt to escape from a civil or forensic facility constitutes a second-degree felony; amending s. 916.1085, F.S.; providing for certain prohibitions concerning contraband articles to apply to facilities under the supervision or control of the Agency for Persons with Disabilities; conforming a cross-reference; amending s. 916.1091, F.S.; authorizing the use of chemical weapons by agency personnel; amending s. 916.1093, F.S.; authorizing the agency to enter into contracts and adopt rules; requiring that the department and agency adopt rules pertaining to the use of restraint and seclusion; amending s. 916.111, F.S.; revising provisions governing the training of mental health experts; amending s. 916.115, F.S.; requiring that the court appoint experts to determine the mental condition of a criminal defendant; requiring that the Department of Children and Family Ser-

vices annually provide the courts with a list of mental health professionals; amending s. 916.12, F.S.; revising provisions governing the evaluation of a defendant's competence to proceed; amending s. 916.13, F.S.; revising conditions under which a defendant may be involuntarily committed for treatment; amending s. 916.145, F.S., relating to charges against a defendant adjudicated incompetent; conforming provisions to changes made by the act; amending s. 916.15, F.S.; clarifying that the determination of not guilty by reason of insanity is made under the Florida Rules of Criminal Procedure; amending s. 916.16, F.S.; providing for the continuing jurisdiction of the court over a defendant involuntarily committed due to mental illness; amending s. 916.17, F.S.; clarifying circumstances under which the court may order the conditional release of a defendant; amending s. 916.301, F.S.; requiring that certain evaluations be conducted by qualified experts; requiring that the Agency for Persons with Disabilities provide the court with a list of available retardation and autism professionals; conforming provisions to the transfer of duties from the Developmental Disabilities Program Office within the Department of Children and Family Services to the agency; amending s. 916.3012, F.S.; clarifying provisions governing the determination of a defendant's mental competence to proceed; amending s. 916.302, F.S., relating to the involuntary commitment of a defendant; conforming provisions to the transfer of duties from the Developmental Disabilities Program Office within the Department of Children and Family Services to the agency; requiring that the department and agency submit an evaluation to the court before the transfer of a defendant from one civil or forensic facility to another; amending s. 916.3025, F.S.; clarifying that the committing court retains jurisdiction over a defendant placed on conditional release; providing for the transfer of continuing jurisdiction to another court where the defendant resides; amending s. 916.303, F.S.; clarifying provisions governing the dismissal of charges against a defendant found to be incompetent to proceed due to retardation or autism; amending s. 916.304, F.S.; providing for the conditional release of a defendant to a civil facility; amending ss. 921.137 and 985.223, F.S., relating to provisions governing the imposition of the death sentence upon a mentally retarded defendant and the determination of incompetency in cases involving juvenile delinquency; conforming provisions to the transfer of duties from the Developmental Disabilities Program Office within the Department of Children and Family Services to the Agency for Persons with Disabilities; amending ss. 287.057, 408.036, 943.0585, and 943.059, F.S.; conforming cross-references; providing an effective date.

By the Committee on Regulated Industries; and Senator Bennett—

CS for SB 2036—A bill to be entitled An act relating to construction defects; amending ss. 558.001, 558.002, 558.004, and 558.005, F.S.; revising provisions to expand application to construction defects in any property, excluding public transportation projects; deleting provisions limiting application to only residential property; revising provisions concerning notice regarding pursuit of a construction defect claim in certain contracts for design, construction, or remodeling; applying ch. 558, F.S., notwithstanding the notice provisions; providing an effective date.

By the Committee on Commerce and Consumer Services; and Senator Saunders—

CS for SB 2110—A bill to be entitled An act relating to entertainment industry economic development; amending s. 212.08, F.S.; authorizing the use of certain entertainment industry tax credits as a refund against sales and use tax liability under certain circumstances; providing requirements, procedures, and limitations; authorizing the Department of Revenue to adopt rules; amending s. 220.02, F.S.; revising the order of priority list of applicable credits against certain taxes; transferring, renumbering, and amending s. 288.1254, F.S.; revising the entertainment industry financial incentive program to provide corporate income tax credits to qualified entertainment entities rather than reimbursements from appropriations; revising provisions relating to definitions, creation and scope, application procedures, approval process, eligibility, required documents, qualified productions, and annual reports; providing criteria and limitations for awards of tax credits; providing marketing requirements; requiring the Office of Tourism, Trade, and Economic Development and Department of Revenue to adopt rules; providing lia-

bility for reimbursement of certain costs and fees associated with fraudulent applications; providing for future repeal; amending s. 477.0135, F.S.; correcting a cross-reference; providing an effective date.

By the Committee on Health Care; and Senator Peaden—

CS for SB 2176—A bill to be entitled An act relating to rural health care; amending s. 381.0405, F.S.; revising the purpose and functions of the Office of Rural Health in the Department of Health; requiring the Secretary of Health and the Secretary of Health Care Administration to appoint an advisory council to advise the Office of Rural Health; providing for terms of office of the members of the advisory council; authorizing per diem and travel reimbursement for members of the advisory council; requiring the Office of Rural Health to submit an annual report to the Governor and the Legislature; amending s. 381.0406, F.S.; revising legislative findings and intent with respect to rural health networks; redefining the term “rural health network”; establishing requirements for membership in rural health networks; adding functions for the rural health networks; revising requirements for the governance and organization of rural health networks; revising the services to be provided by provider members of rural health networks; requiring coordination among rural health networks and area health education centers, health planning councils, and regional education consortia; establishing requirements for funding rural health networks; establishing performance standards for rural health networks; creating a rural health infrastructure development grant program; defining projects that may be funded through the grant program; requiring the Office of Rural Health to monitor rural health networks; authorizing the Department of Health to establish rules governing rural health network grant programs and performance standards; amending s. 395.602, F.S.; defining the term “critical access hospital”; deleting the definitions of “emergency care hospital,” and “essential access community hospital”; revising the definition of “rural primary care hospital”; amending s. 395.603, F.S.; deleting a requirement that the Agency for Health Care Administration adopt a rule relating to deactivation of rural hospital beds under certain circumstances; requiring that critical access hospitals and rural primary care hospitals maintain a certain number of actively licensed beds; amending s. 395.604, F.S.; removing emergency care hospitals and essential access community hospitals from certain licensure requirements; specifying certain special conditions for rural primary care hospitals; amending s. 395.6061, F.S.; specifying the purposes of rural hospital capital improvement grants; modifying the conditions for receiving a grant; deleting a requirement for a minimum grant for every rural hospital; amending s. 409.908, F.S.; requiring the Agency for Health Care Administration to pay certain physicians a bonus for Medicaid physician services provided within a rural county; amending ss. 408.07, 409.9116, and 1009.65, F.S.; conforming cross-references; requiring the Office of Program Policy Analysis and Government Accountability to contract for a study of the financing options for replacing or changing the use of certain rural hospitals; requiring a report to the Legislature by a specified date; repealing s. 395.605, F.S., relating to the licensure of emergency care hospitals; providing an effective date.

By the Committee on Judiciary; and Senator Campbell—

CS for SB 2188—A bill to be entitled An act relating to alternative dispute resolution; amending s. 44.1011, F.S.; revising, creating, and deleting definitions; creating s. 44.1015, F.S.; providing standards for conduct of mediation; providing for the role of the mediator and counsel in specified mediations; amending s. 44.102, F.S.; requiring referral of certain cases to mediation; prohibiting certain cases from being referred to mediation; requiring the Supreme Court to maintain a list of certified mediators; amending s. 44.104, F.S.; deleting all references to voluntary trial resolution; creating s. 44.1041, F.S.; providing for voluntary trial resolution upon agreement of the parties to a civil dispute; providing for the appointment and compensation of a trial-resolution judge; providing guidelines for conducting a voluntary trial-resolution hearing; providing for enforcement and appeal; amending s. 44.108, F.S.; providing that no mediation fee is required in certain cases; amending s. 61.183, F.S.; requiring the court in certain family law cases to make mediation referrals in accordance with the statute governing court-ordered mediation; providing an effective date.

By the Committee on Environmental Preservation; and Senator Baker—

CS for SB 2202—A bill to be entitled An act relating to fish and wildlife; amending s. 370.01, F.S.; defining the term “commercial harvester”; amending s. 370.021, F.S.; providing for base penalties; conforming penalty provisions for commercial harvesters; providing penalties for persons other than commercial harvesters; amending s. 370.028, F.S.; conforming penalty provisions; amending s. 370.061, F.S.; correcting a cross-reference; amending ss. 370.063, 370.08, 370.081, 370.1105, 370.1121, 370.13, 370.135, 370.14, and 370.142, F.S.; conforming penalty provisions for commercial harvesters; providing penalties for persons other than commercial harvesters; amending s. 372.57, F.S.; specifying seasonal recreational activities for which a license or permit is required; increasing fees for certain licenses to conform; providing a fee for a crossbow season permit; providing for crossbow season permits; providing penalties for the production, possession, and use of fraudulent fishing and hunting licenses; providing penalties for the taking of game and fish with a suspended or revoked license; amending s. 372.5704, F.S.; conforming penalty provisions; amending ss. 372.571 and 372.573, F.S.; correcting cross-references; amending s. 372.5717, F.S.; authorizing the Fish and Wildlife Conservation Commission to defer the hunter safety education course requirement for a specified time period and for a specified number of times; providing for a special authorization and conditions to hunt using a hunter safety education deferral; deleting the mandatory minimum number of instructional hours for persons required to take the hunter safety education course; providing an exemption for the display of hunter safety education certificates; providing penalties; amending s. 372.83, F.S.; revising the penalties for violations of rules, orders, and regulations of the Fish and Wildlife Conservation Commission; creating penalties for recreational violations of certain saltwater fishing regulations established in ch. 370, F.S.; providing for court appearances in certain circumstances; providing for Level One, Level Two, Level Three, and Level Four offenses; providing for enhanced penalties for multiple violations; providing for suspension and revocation of licenses and permits, including exemptions from licensing and permit requirements; defining the term “conviction” for purposes of penalty provisions; creating s. 372.935, F.S.; providing penalties for violations involving captive wildlife and poisonous or venomous reptiles; specifying violations that constitute noncriminal infractions or second-degree misdemeanors; amending ss. 372.26, 372.265, 372.661, 372.662, 372.667, 372.705, 372.988, 372.99022, 372.99, and 372.9903, F.S.; conforming penalty provisions; creating s. 372.831, F.S.; creating the Wildlife Violators Compact; providing findings and purposes; providing definitions; providing procedures for states issuing citations for wildlife violations; providing requirements for the home state of a violator; providing for reciprocal recognition of a license suspension; providing procedures for administering the compact; providing for entry into and withdrawal from the compact; providing for construction of the compact and for severability; providing for enforcement of the compact by the Fish and Wildlife Conservation Commission; providing that a suspension under the compact is subject to limited review under ch. 120, F.S.; repealing s. 372.711, F.S., relating to noncriminal infractions; providing an effective date.

By the Committee on Environmental Preservation; and Senator Clary—

CS for SB 2216—A bill to be entitled An act relating to hurricane damage mitigation; amending s. 161.085, F.S.; authorizing an agency, political subdivision, or municipality having jurisdiction over an impacted area to install rigid coastal armoring structures; authorizing the Department of Environmental Protection to revoke the authority of an agency, political subdivision, or municipality to install rigid coastal armoring structures; amending s. 163.3178, F.S.; requiring the Division of Emergency Management to manage the update of regional hurricane evacuation studies; amending s. 381.0065, F.S.; requiring the issuance of a permit for work seaward of the coastal construction control line to be contingent upon receipt of a coastal construction control line permit from the Department of Environmental Protection; creating s. 689.262, F.S.; requiring that a prospective purchaser of real property located in a hurricane evacuation zone be presented a disclosure summary at or before execution of the contract for sale; providing a format for the disclosure summary; providing an effective date.

By the Committees on Transportation and Economic Development Appropriations; Transportation; and Senator Aronberg—

CS for CS for SB 2238—A bill to be entitled An act relating to license plates; amending ss. 320.08056, 320.08058, F.S.; creating a Homeownership For All license plate; providing for the distribution of annual use fees received from the sale of such plates; conforming provisions related to Florida Memorial College license plates; changing the name to the Florida Memorial University license plate; authorizing a maximum of 10 percent of the proceeds from the sale of Keep Kids Drug Free license plates to be used for marketing and certain administrative costs; providing an effective date.

By the Committee on Criminal Justice; and Senator Argenziano—

CS for SB 2278—A bill to be entitled An act relating to criminal justice; amending s. 921.0022, F.S.; ranking in the offense severity ranking chart of the Criminal Punishment Code several offenses relating to failure by a sexual predator or sexual offender to comply with certain reporting requirements; amending s. 943.043, F.S.; requiring that information on the Internet registry regarding sexual predators and sexual offenders include a link to conviction and case information, if available; requiring the Department of Law Enforcement to include notice to local law enforcement agencies of those sexual predators and sexual offenders who, upon release from state incarceration, have no registration activity or record within an anticipated timeframe; amending s. 943.0435, F.S.; requiring the Department of Law Enforcement to report violations of supervision and arrests related to reregistration requirements for sexual predators and sexual offenders; requiring reporting to the Legislature and Governor; amending s. 943.04351, F.S.; requiring a search of the National Sex Offender Public Registry before a person may work or volunteer at a place where children regularly congregate; amending s. 948.063, F.S.; requiring that the court order electronic monitoring as a condition of probation or community control following a violation of probation or community control by certain offenders who are designated as sexual offenders or sexual predators; amending s. 948.30, F.S.; requiring that the court order mandatory electronic monitoring as a condition of probation or community control supervision for certain sex offenders whose crimes involved young children; amending s. 947.1405, F.S.; expanding the eligibility criteria for the conditional release program; providing an effective date.

By the Committee on Transportation; and Senator Baker—

CS for SB 2336—A bill to be entitled An act relating to traffic infractions; amending s. 318.14, F.S.; providing exceptions to procedures for certain speed-limit violations; removing the option for certain offenders to attend driver improvement school; amending s. 318.18, F.S.; providing increased penalties for certain speed-limit violations; providing for disposition of increased penalties; amending s. 318.19, F.S.; requiring mandatory hearings for certain speed-limit violations; amending s. 322.27, F.S.; providing for an increase in driver points for certain speed-limit violations; providing an effective date.

By the Committee on Justice Appropriations; and Senator Crist—

CS for SB 2348—A bill to be entitled An act relating to trust funds; amending s. 25.241, F.S.; directing that certain fees be deposited into the Operating Trust Fund of the state court system; amending s. 25.383, F.S.; directing that certain fees be deposited into the Operating Trust Fund of the state courts system; creating s. 25.3844, F.S.; creating the Operating Trust Fund within the state courts system; providing for sources of funds and purposes; providing for future review and termination or re-creation of the trust fund; amending s. 29.0195, F.S.; directing that certain fees be deposited into the Operating Trust Fund of the state courts system; amending s. 35.22, F.S.; directing that certain fees be deposited into the Operating Trust Fund of the state courts system; providing an effective date.

By the Committee on Regulated Industries; and Senators Haridopolos and Crist—

CS for SB 2412—A bill to be entitled An act relating to the Division of Alcoholic Beverages and Tobacco; amending s. 20.165, F.S.; requiring each employee serving as a law enforcement officer for the division to meet the qualifications of a law enforcement officer set forth in ch. 943, F.S., for employment or appointment; requiring each such employee to be certified as a law enforcement officer by the Department of Law Enforcement; specifying the primary responsibility for law enforcement officers of the division; amending s. 561.422, F.S.; providing for issuance of temporary permits upon approval of the local government; providing an effective date.

By the Committee on Environmental Preservation; and Senator Argenziano—

CS for SB 2490—A bill to be entitled An act relating to saltwater fisheries; amending s. 370.135, F.S.; establishing certain endorsement fees for the taking of blue crabs; establishing an annual trap tag fee; authorizing the Fish and Wildlife Conservation Commission to waive endorsement and trap tag fees for a 1-year period; authorizing the waiver of blue crab trap replacement tag fees under certain conditions; requiring the deposit of certain proceeds into the Marine Resources Conservation Trust Fund; specifying the use of such proceeds; providing administrative penalties for certain violations; prohibiting the unauthorized possession of blue crab trap gear or removal of blue crab trap contents and providing penalties therefor; providing penalties for certain other prohibited activities relating to blue crab traps, lines, buoys, and trap tags; providing penalties for fraudulent reports related to endorsement transfers; prohibiting certain activities during endorsement suspension and revocation; preserving state jurisdiction for certain convictions; providing requirements for certain license renewal; appropriating certain fee revenues to the commission for blue crab effort management program costs; amending s. 370.13, F.S.; deleting authorization for the establishment of equitable rent; authorizing the waiver of stone crab trap replacement tag fees under certain conditions; amending s. 370.142, F.S.; providing administrative penalties for certain violations of the spiny lobster trap certificate program; authorizing the waiver of spiny lobster trap replacement tag fees under certain conditions; amending s. 370.143, F.S.; revising provisions for certain trap retrieval programs and fees; amending s. 370.0603, F.S.; authorizing the deposit of certain funds into the Marine Resources Conservation Trust Fund; providing purposes for which funds may be used; amending s. 921.0022, F.S.; conforming a cross-reference; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senator Argenziano—

CS for SB 2518—A bill to be entitled An act relating to procurement of contractual services by a state agency; amending s. 287.057, F.S.; prohibiting a state agency from renewing or amending a contract for outsourcing under certain conditions; requiring certain qualifications for persons chosen to conduct negotiations during specified procurements; requiring the department to adopt rules governing those qualifications; requiring that a specified statement be included in procurements of commodities and services which prohibits contact between respondents and specified employees of the executive and legislative branches; creating s. 287.0571, F.S.; creating the Florida Efficient Government Act; providing legislative intent; providing that procurements of specified commodities and services are not subject to the act; creating s. 287.05721, F.S.; providing definitions; creating s. 287.0573, F.S.; creating the Council on Efficient Government; providing the purpose and membership of the council; providing duties and responsibilities of the council; requiring the council to review and issue advisory reports on certain state agency procurements; requiring the department to employ adequate number of staff; requiring the council to be headed by a director appointed by the Secretary of Management Services; requiring state agencies to submit materials required by the council; creating s. 287.0574, F.S.; providing requirements for certain business cases to outsource by a state agency; requiring a state agency to develop a business case that describes and analyzes a contractual services procurement under consideration; providing that the business case is not subject

to challenge or protest under the Administrative Procedure Act; providing required components of a business case; providing contract requirements for an outsourcing procurement; amending s. 287.058, F.S.; providing that a contract may not prohibit a contractor from lobbying the executive or legislative branches concerning specified contract issues, within specified time lines; creating s. 287.074, F.S.; requiring that only public officers or employees perform certain functions; prohibiting a contractor from participating in the procurement of contractual services by a state agency; repealing s. 14.203, F.S., relating to the State Council on Competitive Government; providing appropriations; providing that certain state agencies are subject to the act; 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 139, HB 145 and HB 155; has passed as amended HB 41, HB 95, HB 179, HB 219, HB 281 and HB 317 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Mahon and others—

HB 139—A bill to be entitled An act relating to trespass; amending s. 810.011, F.S.; providing that property that is owned or leased by a railroad or railway company does not have to satisfy the definition of “posted land” in order to obtain the benefits of ss. 810.09 and 810.12, F.S., in certain circumstances; reenacting s. 810.09(1)(a), F.S., relating to trespass on property other than structure or conveyance, for the purpose of incorporating the amendment to s. 810.011, F.S., in a reference thereto; providing an effective date.

—was referred to the Committees on Transportation; and Criminal Justice.

By Representative Brown and others—

HB 145—A bill to be entitled An act relating to apportionment of damages in civil actions; amending s. 768.81, F.S.; deleting exceptions to a requirement for liability based on percentage of fault instead of joint and several liability; providing applicability; providing an effective date.

—was referred to the Committee on Judiciary.

By Representative Ross and others—

HB 155—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.; requiring the driver of a vehicle involved in a crash occurring on public or private property that results in injury of a person to immediately stop the vehicle and remain at the scene; providing that failure to stop the vehicle and remain at the scene by the driver of a vehicle involved in a crash occurring on public or private property that results in the death of a person is a first degree felony; providing penalties; amending s. 921.0022, F.S.; revising felony classification in the Criminal Punishment Code offense severity ranking chart for specified violations; providing an effective date.

—was referred to the Committees on Transportation; Criminal Justice; and Justice Appropriations.

By Representative Dean and others—

HB 41—A bill to be entitled An act relating to administrative expunction of nonjudicial arrest records; amending s. 943.0581, F.S.; requiring

the arresting law enforcement agency to apply to the Department of Law Enforcement for the administrative expunction of certain nonjudicial records of arrest; authorizing certain persons to apply directly to the department for administrative expunction in certain circumstances; requiring such persons to support such application with an endorsement; requiring an affidavit with specified information; providing that an application, endorsement, or affidavit may not be admitted into evidence or construed as an admission of liability; providing an effective date.

—was referred to the Committees on Criminal Justice; and Judiciary.

By Representative Henriquez and others—

HB 95—A bill to be entitled An act relating to alcoholic beverages; creating s. 562.61, F.S.; providing a definition of the term “alcohol vaporizing device”; prohibiting the sale, offer for sale, purchase, or use of machines or devices which vaporize alcohol; providing penalties; providing a fine; providing that the provisions of the section do not apply to the administration or prescription of a product that contains alcohol by certain licensed health care practitioners; providing an effective date.

—was referred to the Committees on Regulated Industries; Health Care; and Criminal Justice.

By Representative Hays and others—

HB 179—A bill to be entitled An act relating to road designations; designating Leighton Lee Baker Memorial Highway in Lake County; designating Trinchi Boulevard in Broward County; designating John Van Waters Memorial Highway in Pasco County; designating Dr. Emilio Ochoa Boulevard in Miami-Dade County; directing the Department of Transportation to erect suitable markers; providing an effective date.

—was referred to the Committee on Transportation.

By Representative Troutman and others—

HB 219—A bill to be entitled An act relating to labor pools; amending s. 448.24, F.S.; providing a limit on the amount a labor pool may charge a laborer for transportation to or from a designated worksite; authorizing a labor pool to provide day laborers with a method of obtaining cash from a cash-dispensing machine; amending s. 448.23, F.S.; conforming a cross-reference; creating s. 448.26, F.S.; providing for application of pt. II of ch. 448, F.S., the Labor Pool Act; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; and Banking and Insurance.

By Representative Baxley and others—

HB 281—A bill to be entitled An act relating to specialty license plates; amending s. 320.08056, F.S.; revising the annual use fee for the Florida Sheriffs Youth Ranches license plate; providing annual use fees for certain plates; amending s. 320.08058, F.S.; creating the A State of Vision license plate and the Future Farmers of America license plate; providing for the distribution of annual use fees received from the sale of such plates; providing an effective date.

—was referred to the Committees on Transportation; and Transportation and Economic Development Appropriations.

By Representative Domino and others—

HB 317—A bill to be entitled An act relating to stand-alone bars; amending s. 561.695, F.S.; providing a penalty for a licensed vendor who knowingly makes a false statement on an annual compliance affidavit; removing a requirement that licensed vendors file a procedures report

regarding compliance with certain food service limitations; providing an effective date.

—was referred to the Committees on Regulated Industries; Commerce and Consumer Services; and Community Affairs.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of March 23 was corrected and approved.

CO-INTRODUCERS

Senators Argenziano—SB 1172; Aronberg—CS for SB 250, CS for SB 656, SB 1064, SB 1592, SB 2448, SR 2768; Baker—SB 206; Bennett—CS for SB 1008; Bullard—SB 374, SB 442, CS for SB 1224, SB 1884, SB 1896, SB 2410, SB 2712; Campbell—SB 1060, SB 1896; Crist—SB 1284, CS for CS for SB 1488, SB 1884, SB 2412; Dockery—SB 1948; Fasano—CS for SB 1924; Haridopolos—CS for SB 250; Hill—CS for SB 366, SB 432, SB 796, SB 1406, SB 2466; King—SB 714; Klein—CS for CS for SB 1826; Lawson—SB 432, SB 796, SB 1406, SB 2178, SB 2466; Lynn—CS for CS for SB 248, CS for SB 476, SB 540, SB 542, CS for SB 1154, SB 1270, CS for SB 1370, SB 1724, SB 1850; Peaden—SB 918; Posey—SB 442, SB 714; Rich—SB 2178, SB 2602; Saunders—CS for SB 250; Sebesta—SB 1206; Wilson—CS for SB 250

Senator Peaden withdrew as introducer of SB 918.

Senator Constantine was recorded as introducer of SB 918.

Senator Haridopolos withdrew as introducer of SB 1850.

Senator Rich was recorded as introducer of SB 1850.

RECESS

On motion by Senator Pruitt, the Senate recessed at 2:56 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:30 a.m., Thursday, March 30 or upon call of the President.

SENATE PAGES

March 27-31, 2006

Chris Beaudry, Wellington; Brian Bole, Boys Ranch; Grady Bridges, Boys Ranch; Keon Broxton, Tampa; William Cook, Lake City; Melissa Feig, Coral Springs; Heidi Ford, New Smyrna Beach; Kirk Hansen, Tallahassee; Alexander "Alex" Harper, Wellington; Stephen Hartnett III, Clearwater; Stephanie Issac, Loxahatchee; Edwanye Jones, Boys Ranch; Dan Levinson, Boca Raton; Damion McGriff, Tallahassee; Amy Mixson, Bradenton; Kristin Mixson, Bradenton; Chalencia Seay, Auburndale; Nick Taraschi, Indialantic; Rafael Tejada, Palm Harbor; Jonathan Vicks, Tallahassee; Joseph "Joey" Walters, Lutz