



# Journal of the Senate

Number 12—Regular Session

Thursday, April 20, 2006

## CONTENTS

Bills on Third Reading . . . . .	481
Call to Order . . . . .	465
Co-Introducers . . . . .	517
Committee Substitutes, First Reading . . . . .	504
Conference Committee Appointments . . . . .	481
Executive Business, Appointment Reports . . . . .	503
House Messages, First Reading . . . . .	514
House Messages, Returning . . . . .	468
Moment of Silence . . . . .	468
Motions . . . . .	501
Motions Relating to Committee Reference . . . . .	501
Point of Order . . . . .	484
Point of Order Ruling . . . . .	486
Reports of Committees . . . . .	501
Resolutions . . . . .	465
Special Order Calendar . . . . .	491

## CALL TO ORDER

The Senate was called to order by President Lee at 10:25 a.m. A quorum present—38:

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	Lawson	Webster
Clary	Lynn	Wilson
Constantine	Margolis	Wise
Crist	Miller	

Excused: Senators Dawson and Klein

## PRAYER

The following prayer was offered by Father Peter Roberts, St. Luke's Episcopal Church, Merritt Island:

Creator God, we thank you for all the blessings that you have poured upon our state. We thank you for the great beauty we enjoy from the coast to the inland. We thank you for the great gifts of the land and seas—for fruit, vegetables, cattle, fish and all else.

We thank you for all the gifts you have given our people—the skills, the creativity, and energy that allows our state to grow and be a good place to live.

We ask you to make us ever thankful for your gifts, and we ask you to use these gifts for the benefit of all people and building up of justice.

We ask you, Lord, to be with the members of the Senate and those who work with them today. Give them the wisdom they need to make the laws that protect our state. Give them courage to stand for what is right and just, and to speak out against evil and injustice. Make them ever mindful of whose servant they are, and to whom they must ultimately answer. Amen.

## PLEDGE

Senate Pages Krista Sellers of Tallahassee; Sidnie Patterson of Tampa; Allison Anderson of Freeport; and Cory Walker of Lithia, 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. Akin Kolade of Tallahassee, sponsored by Senator Lawson, as doctor of the day. Dr. Kolade specializes in Psychiatry.

## ADOPTION OF RESOLUTIONS

At the request of Senator Hill—

By Senator Hill—

**SR 294**—A resolution recognizing March 31, 2006, as “Cesar Chavez Day.”

WHEREAS, Cesar Estrada Chavez improved the lives and working conditions of millions of migrant workers and other laborers in America through his inspired leadership of the farm labor movement over a period of 50 years, and

WHEREAS, born on March 31, 1927, near Yuma, Arizona, Chavez witnessed firsthand, as a child, the devastation of the Great Depression and was just 10 years old when his family lost their farm and began to attempt to support themselves as migrant workers, and

WHEREAS, as Chavez grew up, the Chavez family followed the crops in California, along with approximately 300,000 other migrant farm workers in that state, living in temporary, overcrowded, and unsanitary quarters having few supports for health, education, or well-being, and

WHEREAS, after serving in the U.S. Navy in the Pacific during World War II, Chavez returned to America to work in the fields with his family and soon met and married Helen Fabela, a woman who shared his social conscience and longing to see improvements in the working and living conditions of migrant workers, and

WHEREAS, together they began teaching Mexican farm workers how to read and write in order to prepare them for the test for becoming American citizens, hoping that, with citizenship, migrant workers would become more willing to organize to achieve their rights as workers, and

WHEREAS, Chavez's inspired career as a migrant labor leader began with his recruitment in 1952 into Saul Alinsky's Community Service Organization, which held meetings to urge migrant farm laborers to register to vote and later to inspire them to form a union, and

WHEREAS, 10 years later, appalled at the lack of progress and the continuing exploitation of migrant workers, Chavez left his own job to devote himself full-time to union organizing and 6 months later convened 300 union members in Fresno, California, the first meeting of the National Farm Workers Union, and

WHEREAS, a decade of dramatic struggle lay ahead for the small union, requiring the tactics of strikes and boycotts and leading to violence by strike-breakers and to repeated arrests and jailings of Chavez and other union members, and

WHEREAS, throughout these struggles Chavez called for nonviolence on the part of union members, and meanwhile public outrage at the

spectacle of the farm workers' treatment and their struggles grew throughout the 1970s, and

WHEREAS, public officials, religious leaders, and ordinary citizens from across America flocked to California to march in support of the farm workers union while millions of Americans supported the workers by supporting the boycotts, and

WHEREAS, gradually progress was made for migrant workers, in large part due to the visionary leadership of Cesar Chavez, who continued to serve their cause - and additionally the causes of a safe food supply and of equality for racial minorities - until his death in 1993, and

WHEREAS, the vision, leadership, and personal sacrifice of Cesar Estrada Chavez; his lifelong commitment to human rights, social justice, and nonviolence; and his success at building the migrant workers and farm labor movements to become the United Farm Workers of America call for our respect, appreciation, and recognition, NOW, THEREFORE,

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

That March 31, 2006, is recognized as "Cesar Chavez Day" in the State of Florida.

—**SR 294** was introduced, read and adopted by publication.

At the request of Senator Hill—

By Senator Hill—

**SR 782**—A resolution recognizing the month of June as "Caribbean-American Heritage Month" in Florida.

WHEREAS, people of Caribbean heritage are found in every state of the Union, and

WHEREAS, emigration from the Caribbean region to the American Colonies began as early as 1619 with the arrival of indentured workers in Jamestown, Virginia, and

WHEREAS, during the 17th, 18th, and 19th Centuries, a significant number of slaves from the Caribbean region were brought to the United States, and

WHEREAS, since 1820, millions of people have emigrated from the Caribbean region to the United States, and

WHEREAS, much like the United States, the countries of the Caribbean have faced obstacles of slavery and colonialism and have struggled for independence, and

WHEREAS, like the people of the United States, the people of the Caribbean region have diverse racial, cultural, and religious backgrounds, and

WHEREAS, the independence movements in many countries in the Caribbean during the 1960s and the consequential establishment of independent democratic countries in the Caribbean have strengthened ties between the region and the United States, and

WHEREAS, Alexander Hamilton, a founding father of the United States and the first Secretary of the Treasury, was born in the Caribbean, and

WHEREAS, there have been many influential Caribbean-Americans in the history of the United States, including Jean Baptiste Point du Sable, the pioneer settler of Chicago; Claude McKay, a poet of the Harlem Renaissance; James Weldon Johnson, the writer of the Black National Anthem; Shirley Chisolm, the first African-American Congresswoman and first African-American woman candidate for President; and Celia Cruz, the world renowned queen of Salsa music, and

WHEREAS, the many influential Caribbean-Americans in the history of the United States also include Colin Powell, the first African-American Secretary of State; Sidney Poitier, the first African-American actor to receive the Academy Award for best actor in a leading role; Harry Belafonte, a musician, actor, and activist; Marion Jones, an Olympic gold medalist; Roberto Clemente, the first Latino inducted into the

baseball hall of fame; and Al Roker, a meteorologist and television personality, and

WHEREAS, Caribbean-Americans have played an active role in the civil rights movement and other social and political movement in the United States, and

WHEREAS, Caribbean-Americans have contributed greatly to education, fine arts, business, literature, journalism, sports, fashion, politics, government, the military, music, science, technology, and other endeavors in the United States, and

WHEREAS, Caribbean-Americans share their culture through carnivals, festivals, music, dance, film, and literature that enrich the cultural landscape of the United States, and

WHEREAS, the countries of the Caribbean are important economic partners of the United States, and

WHEREAS, the countries of the Caribbean represent the United States third border, and

WHEREAS, the people of the Caribbean region share the hopes and aspirations of the people of the United States for peace and prosperity throughout the Western Hemisphere and the rest of the world, and

WHEREAS, June is an appropriate month to establish a Caribbean-American Heritage Month, NOW, THEREFORE,

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

That the month of June is recognized as "Caribbean-American Heritage Month" in Florida and the people of this state are encouraged to observe the month with appropriate ceremonies, celebrations, and activities.

—**SR 782** was introduced, read and adopted by publication.

At the request of Senator Miller—

By Senators Miller, Sebesta and Crist—

**SR 1108**—A resolution honoring the memory of the legendary Alfonso Ramon Lopez, affectionately known as "El Senor," recognizing April 20 as "Al Lopez Day," and dedicating the 2006 Spring Training Season in Florida to his memory.

WHEREAS, Al Lopez was born in 1908 in Ybor City, now a historic district within the City of Tampa, and began his baseball career with the Tampa Smokers in 1924, and

WHEREAS, Mr. Lopez broke into the major leagues in 1928 and held the record at 1,918 for the number of games caught until 1987, and

WHEREAS, Mr. Lopez became manager of the Cleveland Indians in 1951, winning an American League record of 111 games in 1954, a record not broken until 1998 by the New York Yankees, and

WHEREAS, Mr. Lopez moved on to manage the Chicago "Go-Go" White Sox in 1957, never having a losing season, winning the American League Pennant in 1959 and finishing second place five times, and never posting fewer than 82 victories, with his 1954 and 1959 teams being the only non-Yankee clubs to win the American League Pennant between 1949 and 1964, and

WHEREAS, Mr. Lopez briefly managed additional games for the White Sox, retiring in 1969 with 1,410 wins, ranking 11th on his retirement and, with the 840 wins with the White Sox, ranking second in franchise history, and

WHEREAS, Mr. Lopez was inducted into the Baseball Hall of Fame as a manager in 1977, and the Al Lopez Park in the City of Tampa was named in his honor and a statue of his likeness was erected, and

WHEREAS, Mr. Lopez died in Tampa on October 30, 2005, at the age of 97, four days after the White Sox won the World Series for the first time in 88 years in their first pennant-winning season since Mr. Lopez led the 1959 team, and

WHEREAS, Mr. Lopez was the oldest member of the Baseball Hall of Fame and the last living major leaguer to play in the 1920s, and

WHEREAS, Mr. Lopez was and remains Tampa's foremost baseball ambassador, and it is appropriate to pay tribute to the life of this extraordinary individual, NOW, THEREFORE,

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

That the Senate warmly welcomes members of the Lopez Family to the Senate as it recognizes April 20, 2006, as "Al Lopez Day" in the State of Florida and dedicates the 2006 Spring Training Season in Florida to his memory.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the family of Al Lopez as a tangible token of the sentiments of the Florida Senate, and that an additional copy, with the Seal of the Senate affixed, be presented to the Baseball Hall of Fame in Cooperstown, New York, for display or other use as it may find appropriate.

—**SR 1108** was introduced, read and adopted by publication.

---

At the request of Senator Crist—

By Senators Crist, Miller and Sebesta—

**SR 2134**—A resolution recognizing April 20, 2006, as "Lowry Park Zoo Day" throughout the State of Florida.

WHEREAS, the 2004 Legislature recognized Lowry Park Zoo in Tampa, Hillsborough County, as the state center for Florida species conservation and biodiversity, and

WHEREAS, Lowry Park Zoo is the top-attended nonprofit attraction in Florida and participates in the Species Survival Plan, a national breeding program managed by the American Zoo and Aquarium Association, and

WHEREAS, in 2003, the Lowry Park Zoo created the Safari Africa Habitat and brought five African elephants to the zoo, including a female named "Ellie," and

WHEREAS, on October 17, 2005, Ellie gave birth to a 205-pound male calf, the first African elephant born in the zoo's history, and

WHEREAS, Ellie's son was named "Tamani," a Swahili word meaning "to hope," a name proposed by Sarah Eicher's second-grade class at Frontier Elementary School in Clearwater and selected through online public voting from five proposed names, and

WHEREAS, Tamani's birth and the educational and public involvement in his naming are examples of the way in which the Lowry Park Zoo provides Florida residents and visitors with opportunities to connect with environmental and conservation issues and to celebrate the living earth, and

WHEREAS, the Lowry Park Zoo is also an outstanding example of a successful public and private partnership, maintaining an entrepreneurial spirit and tireless dedication to its mission while raising 80 percent of its annual budget through earned revenue, NOW, THEREFORE,

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

That the Florida Senate commends the Lowry Park Zoo for its outstanding and inspirational work and recognizes April 20, 2006, as "Lowry Park Zoo Day" in Florida.

—**SR 2134** was introduced, read and adopted by publication.

---

At the request of Senator Crist—

By Senators Crist, Miller and Sebesta—

**SR 2272**—A resolution recognizing April 20, 2006, as "Hillsborough County Day."

WHEREAS, Hillsborough County, one of the leading business locations in the world, with a dynamic and positive business climate, is the economic hub of the western gateway to the Florida High Tech Corridor, an economic development initiative that includes a mega region of 23 counties reaching eastward across the state to the Atlantic Ocean, and

WHEREAS, Hillsborough County is the largest partner in the 7-county region that extends along the Gulf Coast from Hernando to Sarasota Counties and includes Polk County to the west, an area represented by the Tampa Bay Area Legislative Delegation, and

WHEREAS, Hillsborough County hosts Tampa International Airport, a leading global airport and the nation's 29th busiest, and the Port of Tampa, Florida's largest cargo port, while also serving as the nexus of the region's Interstate Highway System, and

WHEREAS, Hillsborough County offers a seamless continuum of public education beginning with the School District of Hillsborough County, proceeding to Hillsborough Community College, and culminating with the University of South Florida, which celebrates its 50th anniversary throughout 2006, and

WHEREAS, Hillsborough County, with an average annual temperature of 72 degrees, includes miles of waterways, including beautiful Gulf and Bay shorelines, and the Hillsborough River, a part of the regional water supply and a significant recreational asset for numerous water-dependent activities, and

WHEREAS, Hillsborough County, extending from emerging South-Shore to historic Bayshore and from farmlands to an urban core, offers a plethora of lifestyles, a wealth of cultural as well as professional sports activities, and an abundance of other year-round activities, both entertaining and educational, NOW, THEREFORE,

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

That April 20, 2006, is recognized as "Hillsborough County Day" as the Florida Senate celebrates "Flavors of Hillsborough" at the State Capitol.

—**SR 2272** was introduced, read and adopted by publication.

---

At the request of Senator Wise—

By Senator Wise—

**SR 2374**—A resolution recognizing April 16-22, 2006, as "Alzheimer's Disease Initiative Week."

WHEREAS, there are 435,000 cases of probable Alzheimer's disease in Florida, and

WHEREAS, the Florida Legislature created the Alzheimer's Disease Initiative in 1985 to help families dealing with Alzheimer's and related memory disorders by providing a link between policy, research, and practice, and

WHEREAS, the Alzheimer's Disease Initiative, celebrating its 20th anniversary this year, has grown into a statewide network that includes 15 regional memory disorder clinics that conduct research and training in a diagnostic and therapeutic setting, and

WHEREAS, Alzheimer's Respite Care Programs are established in all of Florida's 67 counties, and

WHEREAS, four model day-care programs have been established in conjunction with memory disorder clinics to test therapeutic interventions for individuals living with memory disorders and to provide training for health care and social service personnel, and

WHEREAS, the State of Florida Alzheimer's Disease Brain Bank is a service and research-oriented network involved in a variety of research activities, and

WHEREAS, it is estimated that more than 100,000 Floridians have received services from Alzheimer's Disease Initiative programs during the last 10 years alone, and

WHEREAS, the Alzheimer's Disease Advisory Committee has taken a leadership role in developing policy recommendations and best-

practice models to help educate Florida's elders, caregivers, and health care professionals concerning critical issues affecting people with memory disorders, including an ethics-based policy on driver safety and progressive dementia, a protocol for dealing with behavioral challenges and catastrophic events in persons with dementia who are living in nursing homes, and recommendations for the specialized-care needs of persons with Alzheimer's and related memory disorders and their caregivers who are affected by natural disasters, and

WHEREAS, the dedicated partners and stakeholders in the Alzheimer's Disease Initiative have been providing assistance to people affected by Alzheimer's and related memory disorders for more than 20 years, and

WHEREAS, the Alzheimer's Disease Initiative was the only program of its kind in the nation when it was created in 1985, and it is still the only program of its kind in the nation today, NOW, THEREFORE,

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

That the Senate recognizes the week of April 16-22, 2006, as "Alzheimer's Disease Initiative Week" in Florida.

—**SR 2374** was introduced, read and adopted by publication.

At the request of Senator Margolis—

By Senator Margolis—

**SR 2812**—A resolution recognizing April 20, 2006, as "STOP Day" in the State of Florida.

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

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

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

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

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

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

That the Florida Senate is aware of the importance of stopping violence in schools and recognizes April 20, 2006, as "STOP Day" in the State of Florida.

—**SR 2812** was introduced, read and adopted by publication.

At the request of Senator Lynn—

By Senator Lynn—

**SR 2816**—A resolution expressing regret at the death of James M. Kirton, respected educator in Volusia and Flagler Counties.

WHEREAS, the Florida Senate expresses its deep regret in learning of the death of James M. Kirton, and

WHEREAS, Mr. Kirton served for 12 years as principal of Seabreeze High School and for 2 years as deputy superintendent of schools for Flagler County, and

WHEREAS, it is appropriate that the Florida Senate commemorate the life of a beloved and effective educator who for 30 years was a teacher, coach, and administrator in Volusia County schools, NOW, THEREFORE,

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

That this legislative body does pause in its deliberations to pay its respects to the late educator James M. Kirton and that the Florida Senate in session assembled does record this testimonial of esteem and bereavement:

IN MEMORIAM  
JAMES M. KIRTON

James M. Kirton was born June 20, 1944, into a family that operated a dairy farm in Volusia County. He grew up working side-by-side with his parents and siblings on the farm and aspired to be a cowboy. However, his father, Myron, insisted that young Jimmy go to college before deciding on an occupation, and that led him to a lifetime vocation as a teacher, coach, and administrator. James M. Kirton made many admiring friends along the way, including T.K. Wetherell, a fellow football player and now president of Florida State University, who declared after his old friend's death that the two of them "literally were brothers." Another close friend, Jim Surratt, formerly the Volusia County Superintendent of Schools, said, "There's never been a person who's ever been an ideal cowboy better than Jimmy Kirton," and also commended his friend's sense of "honor and doing what a man is supposed to do."

In Mr. Kirton's long struggle against the cancer that claimed him, he credited his wife Eva with inspiring him to bounce back from surgery and keep fighting. Many of the doctors who attended him were parents of his former students at Seabreeze. Other former students include a cancer researcher who, in a note, apologized to her beloved high school principal for not finding a cure that would heal him. In May 2005, James M. Kirton retired to the family land off Tomoka Farms Road to concentrate on getting better. The 5 months before he died on October 10, 2005, were bittersweet but were filled with optimism and humor. Another longtime friend and former coaching colleague, Tony Melachrino, has declared that "Jimmy" Kirton "never met a student he didn't like; he loved them all." In response to that generous spirit, many of those students called, wrote, and visited their former coach and principal in his last days—a fitting tribute to a life well lived.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be transmitted to Mrs. Eva Kirton, widow of James M. Kirton, as a tangible token of the sentiments expressed herein and a lasting symbol of the respect of the members of the Florida Senate.

—**SR 2816** was introduced, read and adopted by publication.

#### MOMENT OF SILENCE

The President recognized Senator Geller who asked the Senate to observe a moment of silence in memory of former Representative and current Mayor of Cutler Bay, John Cosgrove, who passed away April 19.

#### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 390, with amendment(s), and requests the concurrence of the Senate or, failing to concur, requests the Senate to appoint a committee of conference to meet with a like committee appointed by the Speaker to resolve differences between the houses.

*John B. Phelps, Clerk*

**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.

**House Amendment 1 (313937)(with title amendment)—**

Remove everything after the enacting clause and insert:

Section 1. Paragraph (a) of subsection (3) of section 400.23, Florida Statutes, is amended to read:

400.23 Rules; evaluation and deficiencies; licensure status.—

(3)(a) The agency shall adopt rules providing minimum staffing requirements for nursing homes. These requirements shall include, for each nursing home facility, a minimum certified nursing assistant staffing of 2.3 hours of direct care per resident per day beginning January 1, 2002, increasing to 2.6 hours of direct care per resident per day beginning January 1, 2003, ~~and increasing to 2.9 hours of direct care per resident per day beginning July 1, 2006.~~ Beginning January 1, 2002, no facility shall staff below one certified nursing assistant per 20 residents, and a minimum licensed nursing staffing of 1.0 hour of direct resident care per resident per day but never below one licensed nurse per 40 residents. Nursing assistants employed under s. 400.211(2) may be included in computing the staffing ratio for certified nursing assistants only if they provide nursing assistance services to residents on a full-time basis. Each nursing home must document compliance with staffing standards as required under this paragraph and post daily the names of staff on duty for the benefit of facility residents and the public. The agency shall recognize the use of licensed nurses for compliance with minimum staffing requirements for certified nursing assistants, provided that the facility otherwise meets the minimum staffing requirements for licensed nurses and that the licensed nurses are performing the duties of a certified nursing assistant. Unless otherwise approved by the agency, licensed nurses counted toward the minimum staffing requirements for certified nursing assistants must exclusively perform the duties of a certified nursing assistant for the entire shift and not also be counted toward the minimum staffing requirements for licensed nurses. If the agency approved a facility's request to use a licensed nurse to perform both licensed nursing and certified nursing assistant duties, the facility must allocate the amount of staff time specifically spent on certified nursing assistant duties for the purpose of documenting compliance with minimum staffing requirements for certified and licensed nursing staff. In no event may the hours of a licensed nurse with dual job responsibilities be counted twice.

Section 2. Subsection (5) of section 409.904, Florida Statutes, is amended to read:

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

(5) Subject to specific federal authorization, a ~~postpartum~~ woman living in a family that has an income that is at or below 185 percent of the most current federal poverty level is eligible for family planning services as specified in s. 409.905(3) for a period of up to 24 months following a ~~loss of Medicaid benefits pregnancy for which Medicaid paid for pregnancy-related services.~~

Section 3. Paragraph (d) of subsection (5) of section 409.905, Florida Statutes, is amended to read:

409.905 Mandatory Medicaid services.—The agency may make payments for the following services, which are required of the state by Title XIX of the Social Security Act, furnished by Medicaid providers to recipients who are determined to be eligible on the dates on which the services were provided. Any service under this section shall be provided only when medically necessary and in accordance with state and federal law. Mandatory services rendered by providers in mobile units to Medicaid recipients may be restricted by the agency. Nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, number of services, or any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216.

(5) HOSPITAL INPATIENT SERVICES.—The agency shall pay for all covered services provided for the medical care and treatment of a recipient who is admitted as an inpatient by a licensed physician or dentist to a hospital licensed under part I of chapter 395. However, the agency shall limit the payment for inpatient hospital services for a Medicaid recipient 21 years of age or older to 45 days or the number of days necessary to comply with the General Appropriations Act.

(d) The agency shall implement a hospitalist program in certain high-volume participating hospitals, select counties, or statewide. The program shall require hospitalists to ~~authorize and~~ manage Medicaid recipients' hospital admissions and lengths of stay. Individuals who are dually eligible for Medicare and Medicaid are exempted from this requirement. Medicaid participating physicians and other practitioners with hospital admitting privileges shall coordinate and review admissions of Medicaid recipients with the hospitalist. The agency may competitively bid a contract for selection of a qualified organization to provide hospitalist services. The qualified organization shall employ board certified physicians who are full-time dedicated employees of the contractor and have no outside practice. ~~Where used, the hospitalist program shall replace the existing hospital utilization review program. The agency is authorized to seek federal waivers to implement this program.~~

Section 4. Paragraph (b) of subsection (1) and subsection (23) of section 409.906, Florida Statutes, are amended to read:

409.906 Optional Medicaid services.—Subject to specific appropriations, the agency may make payments for services which are optional to the state under Title XIX of the Social Security Act and are furnished by Medicaid providers to recipients who are determined to be eligible on the dates on which the services were provided. Any optional service that is provided shall be provided only when medically necessary and in accordance with state and federal law. Optional services rendered by providers in mobile units to Medicaid recipients may be restricted or prohibited by the agency. Nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or making any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216. If necessary to safeguard the state's systems of providing services to elderly and disabled persons and subject to the notice and review provisions of s. 216.177, the Governor may direct the Agency for Health Care Administration to amend the Medicaid state plan to delete the optional Medicaid service known as "Intermediate Care Facilities for the Developmentally Disabled." Optional services may include:

(1) ADULT DENTAL SERVICES.—

(b) Beginning January 1, 2005, the agency may pay for *partial dentures and full dentures*, the procedures required to seat dentures, and the repair and relining of dentures, provided by or under the direction of a licensed dentist, for a recipient who is 21 years of age or older.

(23) CHILDREN'S VISUAL SERVICES.—The agency may pay for visual examinations, eyeglasses, and eyeglass repairs for a recipient ~~younger than 21 years of age~~, if they are prescribed by a licensed physician specializing in diseases of the eye or by a licensed optometrist. *Eyeglasses for adult recipients shall be limited to two pairs per year per recipient, except a third pair may be provided after prior authorization.*

Section 5. Paragraph (a) of subsection (9) of section 409.907, Florida Statutes, is amended to read:

409.907 Medicaid provider agreements.—The agency may make payments for medical assistance and related services rendered to Medicaid recipients only to an individual or entity who has a provider agreement in effect with the agency, who is performing services or supplying goods in accordance with federal, state, and local law, and who agrees that no person shall, on the grounds of handicap, race, color, or national origin, or for any other reason, be subjected to discrimination under any program or activity for which the provider receives payment from the agency.

(9) Upon receipt of a completed, signed, and dated application, and completion of any necessary background investigation and criminal history record check, the agency must either:

(a) Enroll the applicant as a Medicaid provider ~~no earlier than the effective date of the approval of the provider application. With respect to providers who were recently granted a change of ownership and those who primarily provide emergency medical services transportation or emergency services and care pursuant to s. 395.1041 or s. 401.45, or services provided by entities under s. 409.91255, and out-of-state providers, upon approval of the provider application.~~ The enrollment effective date ~~shall be of approval is considered to be~~ the date the agency receives the provider application. *Payment for any claims for services provided to Medicaid recipients between the date of receipt of the application and the date of approval is contingent on applying any and all applicable audits and edits contained in the agency's claims adjudication and payment processing systems; or*

Section 6. Paragraph (c) of subsection (1) of section 409.9081, Florida Statutes, is amended to read:

409.9081 Copayments.—

(1) The agency shall require, subject to federal regulations and limitations, each Medicaid recipient to pay at the time of service a nominal copayment for the following Medicaid services:

(c) Hospital emergency department visits for nonemergency care: *5 percent of up to the first \$300 of the Medicaid payment for emergency room services, not to exceed \$15 for each emergency department visit.*

Section 7. Subsections (2), (3), and (4) of section 409.911, Florida Statutes, are amended to read:

409.911 Disproportionate share program.—Subject to specific allocations established within the General Appropriations Act and any limitations established pursuant to chapter 216, the agency shall distribute, pursuant to this section, moneys to hospitals providing a disproportionate share of Medicaid or charity care services by making quarterly Medicaid payments as required. Notwithstanding the provisions of s. 409.915, counties are exempt from contributing toward the cost of this special reimbursement for hospitals serving a disproportionate share of low-income patients.

(2) The Agency for Health Care Administration shall use the following actual audited data to determine the Medicaid days and charity care to be used in calculating the disproportionate share payment:

(a) The average of the ~~1998, 1999, and 2000, 2001, and 2002~~ audited disproportionate share data to determine each hospital's Medicaid days and charity care for the ~~2006-2007 2004-2005~~ state fiscal year ~~and the average of the 1999, 2000, and 2001 audited disproportionate share data to determine the Medicaid days and charity care for the 2005-2006 state fiscal year.~~

(b) If the Agency for Health Care Administration does not have the prescribed 3 years of audited disproportionate share data as noted in paragraph (a) for a hospital, the agency shall use the average of the years of the audited disproportionate share data as noted in paragraph (a) which is available.

(c) In accordance with s. 1923(b) of the Social Security Act, a hospital with a Medicaid inpatient utilization rate greater than one standard deviation above the statewide mean or a hospital with a low-income utilization rate of 25 percent or greater shall qualify for reimbursement.

(3) Hospitals that qualify for a disproportionate share payment solely under paragraph (2)(c) shall have their payment calculated in accordance with the following formulas:

$$\text{DSHP} = (\text{HMD}/\text{TMSD}) \times \$1 \text{ million}$$

Where:

DSHP = disproportionate share hospital payment.

HMD = hospital Medicaid days.

TSD = total state Medicaid days.

Any funds not allocated to hospitals qualifying under this section shall be redistributed to the non-state government owned or operated hospitals with greater than ~~3,100 3,300~~ Medicaid days.

(4) The following formulas shall be used to pay disproportionate share dollars to public hospitals:

(a) For state mental health hospitals:

$$\text{DSHP} = (\text{HMD}/\text{TMDMH}) \times \text{TAAMH}$$

shall be the difference between the federal cap for Institutions for Mental Diseases and the amounts paid under the mental health disproportionate share program.

Where:

DSHP = disproportionate share hospital payment.

HMD = hospital Medicaid days.

TMDHH = total Medicaid days for state mental health hospitals.

TAAMH = total amount available for mental health hospitals.

(b) For non-state government owned or operated hospitals with ~~3,100 3,300~~ or more Medicaid days:

$$\text{DSHP} = [(.82 \times \text{HCCD}/\text{TCCD}) + (.18 \times \text{HMD}/\text{TMD})]$$

$\times$  TAAPH

TAAPH = TAA - TAAMH

Where:

TAA = total available appropriation.

TAAPH = total amount available for public hospitals.

DSHP = disproportionate share hospital payments.

HMD = hospital Medicaid days.

TMD = total state Medicaid days for public hospitals.

HCCD = hospital charity care dollars.

TCCD = total state charity care dollars for public non-state hospitals.

~~1. For the 2005-2006 state fiscal year only, the DSHP for the public nonstate hospitals shall be computed using a weighted average of the disproportionate share payments for the 2004-2005 state fiscal year which uses an average of the 1998, 1999, and 2000 audited disproportionate share data and the disproportionate share payments for the 2005-2006 state fiscal year as computed using the formula above and using the average of the 1999, 2000, and 2001 audited disproportionate share data. The final DSHP for the public nonstate hospitals shall be computed as an average using the calculated payments for the 2005-2006 state fiscal year weighted at 65 percent and the disproportionate share payments for the 2004-2005 state fiscal year weighted at 35 percent.~~

2. The TAAPH shall be reduced by \$6,365,257 before computing the DSHP for each public hospital. The \$6,365,257 shall be distributed equally between the public hospitals that are also designated statutory teaching hospitals.

(c) For non-state government owned or operated hospitals with less than 3,100 ~~3,300~~ Medicaid days, a total of \$750,000 shall be distributed equally among these hospitals.

Section 8. Section 409.9113, Florida Statutes, is amended to read:

409.9113 Disproportionate share program for teaching hospitals.—In addition to the payments made under ss. 409.911 and 409.9112, the Agency for Health Care Administration shall make disproportionate share payments to statutorily defined teaching hospitals for their increased costs associated with medical education programs and for tertiary health care services provided to the indigent. This system of payments shall conform with federal requirements and shall distribute funds in each fiscal year for which an appropriation is made by making quarterly Medicaid payments. Notwithstanding s. 409.915, counties are exempt from contributing toward the cost of this special reimbursement for hospitals serving a disproportionate share of low-income patients. For the state fiscal year ~~2006-2007 2005-2006~~, the agency shall ~~not~~ distribute *the moneys provided in the General Appropriations Act to statutorily defined teaching hospitals and family practice teaching hospitals* under the teaching hospital disproportionate share program. *The funds provided for statutorily defined teaching hospitals shall be distributed in the same proportion as the state fiscal year 2003-2004 teaching hospital disproportionate share funds were distributed. The funds provided for family practice teaching hospitals shall be distributed equally among family practice teaching hospitals.*

(1) On or before September 15 of each year, the Agency for Health Care Administration shall calculate an allocation fraction to be used for distributing funds to state statutory teaching hospitals. Subsequent to the end of each quarter of the state fiscal year, the agency shall distribute to each statutory teaching hospital, as defined in s. 408.07, an amount determined by multiplying one-fourth of the funds appropriated for this purpose by the Legislature times such hospital's allocation fraction. The allocation fraction for each such hospital shall be determined by the sum of three primary factors, divided by three. The primary factors are:

(a) The number of nationally accredited graduate medical education programs offered by the hospital, including programs accredited by the Accreditation Council for Graduate Medical Education and the combined Internal Medicine and Pediatrics programs acceptable to both the American Board of Internal Medicine and the American Board of Pediatrics at the beginning of the state fiscal year preceding the date on which the allocation fraction is calculated. The numerical value of this factor is the fraction that the hospital represents of the total number of programs, where the total is computed for all state statutory teaching hospitals.

(b) The number of full-time equivalent trainees in the hospital, which comprises two components:

1. The number of trainees enrolled in nationally accredited graduate medical education programs, as defined in paragraph (a). Full-time equivalents are computed using the fraction of the year during which each trainee is primarily assigned to the given institution, over the state fiscal year preceding the date on which the allocation fraction is calculated. The numerical value of this factor is the fraction that the hospital represents of the total number of full-time equivalent trainees enrolled in accredited graduate programs, where the total is computed for all state statutory teaching hospitals.

2. The number of medical students enrolled in accredited colleges of medicine and engaged in clinical activities, including required clinical clerkships and clinical electives. Full-time equivalents are computed using the fraction of the year during which each trainee is primarily assigned to the given institution, over the course of the state fiscal year preceding the date on which the allocation fraction is calculated. The numerical value of this factor is the fraction that the given hospital represents of the total number of full-time equivalent students enrolled in accredited colleges of medicine, where the total is computed for all state statutory teaching hospitals.

The primary factor for full-time equivalent trainees is computed as the sum of these two components, divided by two.

(c) A service index that comprises three components:

1. The Agency for Health Care Administration Service Index, computed by applying the standard Service Inventory Scores established by

the Agency for Health Care Administration to services offered by the given hospital, as reported on Worksheet A-2 for the last fiscal year reported to the agency before the date on which the allocation fraction is calculated. The numerical value of this factor is the fraction that the given hospital represents of the total Agency for Health Care Administration Service Index values, where the total is computed for all state statutory teaching hospitals.

2. A volume-weighted service index, computed by applying the standard Service Inventory Scores established by the Agency for Health Care Administration to the volume of each service, expressed in terms of the standard units of measure reported on Worksheet A-2 for the last fiscal year reported to the agency before the date on which the allocation factor is calculated. The numerical value of this factor is the fraction that the given hospital represents of the total volume-weighted service index values, where the total is computed for all state statutory teaching hospitals.

3. Total Medicaid payments to each hospital for direct inpatient and outpatient services during the fiscal year preceding the date on which the allocation factor is calculated. This includes payments made to each hospital for such services by Medicaid prepaid health plans, whether the plan was administered by the hospital or not. The numerical value of this factor is the fraction that each hospital represents of the total of such Medicaid payments, where the total is computed for all state statutory teaching hospitals.

The primary factor for the service index is computed as the sum of these three components, divided by three.

(2) By October 1 of each year, the agency shall use the following formula to calculate the maximum additional disproportionate share payment for statutorily defined teaching hospitals:

$$TAP = THAF \times A$$

Where:

TAP = total additional payment.

THAF = teaching hospital allocation factor.

A = amount appropriated for a teaching hospital disproportionate share program.

Section 9. Section 409.9117, Florida Statutes, is amended to read:

409.9117 Primary care disproportionate share program.—For the state fiscal year ~~2006-2007 2005-2006~~, the agency shall not distribute moneys under the primary care disproportionate share program.

(1) If federal funds are available for disproportionate share programs in addition to those otherwise provided by law, there shall be created a primary care disproportionate share program.

(2) The following formula shall be used by the agency to calculate the total amount earned for hospitals that participate in the primary care disproportionate share program:

$$TAE = HDSP/THDSP$$

Where:

TAE = total amount earned by a hospital participating in the primary care disproportionate share program.

HDSP = the prior state fiscal year primary care disproportionate share payment to the individual hospital.

THDSP = the prior state fiscal year total primary care disproportionate share payments to all hospitals.

(3) The total additional payment for hospitals that participate in the primary care disproportionate share program shall be calculated by the agency as follows:

$$TAP = TAE \times TA$$

Where:

TAP = total additional payment for a primary care hospital.

TAE = total amount earned by a primary care hospital.

TA = total appropriation for the primary care disproportionate share program.

(4) In the establishment and funding of this program, the agency shall use the following criteria in addition to those specified in s. 409.911, payments may not be made to a hospital unless the hospital agrees to:

(a) Cooperate with a Medicaid prepaid health plan, if one exists in the community.

(b) Ensure the availability of primary and specialty care physicians to Medicaid recipients who are not enrolled in a prepaid capitated arrangement and who are in need of access to such physicians.

(c) Coordinate and provide primary care services free of charge, except copayments, to all persons with incomes up to 100 percent of the federal poverty level who are not otherwise covered by Medicaid or another program administered by a governmental entity, and to provide such services based on a sliding fee scale to all persons with incomes up to 200 percent of the federal poverty level who are not otherwise covered by Medicaid or another program administered by a governmental entity, except that eligibility may be limited to persons who reside within a more limited area, as agreed to by the agency and the hospital.

(d) Contract with any federally qualified health center, if one exists within the agreed geopolitical boundaries, concerning the provision of primary care services, in order to guarantee delivery of services in a nonduplicative fashion, and to provide for referral arrangements, privileges, and admissions, as appropriate. The hospital shall agree to provide at an onsite or offsite facility primary care services within 24 hours to which all Medicaid recipients and persons eligible under this paragraph who do not require emergency room services are referred during normal daylight hours.

(e) Cooperate with the agency, the county, and other entities to ensure the provision of certain public health services, case management, referral and acceptance of patients, and sharing of epidemiological data, as the agency and the hospital find mutually necessary and desirable to promote and protect the public health within the agreed geopolitical boundaries.

(f) In cooperation with the county in which the hospital resides, develop a low-cost, outpatient, prepaid health care program to persons who are not eligible for the Medicaid program, and who reside within the area.

(g) Provide inpatient services to residents within the area who are not eligible for Medicaid or Medicare, and who do not have private health insurance, regardless of ability to pay, on the basis of available space, except that nothing shall prevent the hospital from establishing bill collection programs based on ability to pay.

(h) Work with the Florida Healthy Kids Corporation, the Florida Health Care Purchasing Cooperative, and business health coalitions, as appropriate, to develop a feasibility study and plan to provide a low-cost comprehensive health insurance plan to persons who reside within the area and who do not have access to such a plan.

(i) Work with public health officials and other experts to provide community health education and prevention activities designed to promote healthy lifestyles and appropriate use of health services.

(j) Work with the local health council to develop a plan for promoting access to affordable health care services for all persons who reside within the area, including, but not limited to, public health services, primary care services, inpatient services, and affordable health insurance generally.

Any hospital that fails to comply with any of the provisions of this subsection, or any other contractual condition, may not receive payments under this section until full compliance is achieved.

Section 10. Paragraph (b) of subsection (4) and subsection (44) of section 409.912, Florida Statutes, are amended, and subsection (53) is added to that section, to read:

409.912 Cost-effective purchasing of health care.—The agency shall purchase goods and services for Medicaid recipients in the most cost-effective manner consistent with the delivery of quality medical care. To ensure that medical services are effectively utilized, the agency may, in any case, require a confirmation or second physician's opinion of the correct diagnosis for purposes of authorizing future services under the Medicaid program. This section does not restrict access to emergency services or poststabilization care services as defined in 42 C.F.R. part 438.114. Such confirmation or second opinion shall be rendered in a manner approved by the agency. The agency shall maximize the use of prepaid per capita and prepaid aggregate fixed-sum basis services when appropriate and other alternative service delivery and reimbursement methodologies, including competitive bidding pursuant to s. 287.057, designed to facilitate the cost-effective purchase of a case-managed continuum of care. The agency shall also require providers to minimize the exposure of recipients to the need for acute inpatient, custodial, and other institutional care and the inappropriate or unnecessary use of high-cost services. The agency shall contract with a vendor to monitor and evaluate the clinical practice patterns of providers in order to identify trends that are outside the normal practice patterns of a provider's professional peers or the national guidelines of a provider's professional association. The vendor must be able to provide information and counseling to a provider whose practice patterns are outside the norms, in consultation with the agency, to improve patient care and reduce inappropriate utilization. The agency may mandate prior authorization, drug therapy management, or disease management participation for certain populations of Medicaid beneficiaries, certain drug classes, or particular drugs to prevent fraud, abuse, overuse, and possible dangerous drug interactions. The Pharmaceutical and Therapeutics Committee shall make recommendations to the agency on drugs for which prior authorization is required. The agency shall inform the Pharmaceutical and Therapeutics Committee of its decisions regarding drugs subject to prior authorization. The agency is authorized to limit the entities it contracts with or enrolls as Medicaid providers by developing a provider network through provider credentialing. The agency may competitively bid single-source-provider contracts if procurement of goods or services results in demonstrated cost savings to the state without limiting access to care. The agency may limit its network based on the assessment of beneficiary access to care, provider availability, provider quality standards, time and distance standards for access to care, the cultural competence of the provider network, demographic characteristics of Medicaid beneficiaries, practice and provider-to-beneficiary standards, appointment wait times, beneficiary use of services, provider turnover, provider profiling, provider licensure history, previous program integrity investigations and findings, peer review, provider Medicaid policy and billing compliance records, clinical and medical record audits, and other factors. Providers shall not be entitled to enrollment in the Medicaid provider network. The agency shall determine instances in which allowing Medicaid beneficiaries to purchase durable medical equipment and other goods is less expensive to the Medicaid program than long-term rental of the equipment or goods. The agency may establish rules to facilitate purchases in lieu of long-term rentals in order to protect against fraud and abuse in the Medicaid program as defined in s. 409.913. The agency may seek federal waivers necessary to administer these policies.

(4) The agency may contract with:

(b) An entity that is providing comprehensive behavioral health care services to certain Medicaid recipients through a capitated, prepaid arrangement pursuant to the federal waiver provided for by s. 409.905(5). Such an entity must be licensed under chapter 624, chapter 636, or chapter 641 and must possess the clinical systems and operational competence to manage risk and provide comprehensive behavioral health care to Medicaid recipients. As used in this paragraph, the term "comprehensive behavioral health care services" means covered mental health and substance abuse treatment services that are available to Medicaid recipients. The secretary of the Department of Children and Family Services shall approve provisions of procurements related to children in the department's care or custody prior to enrolling such children in a prepaid behavioral health plan. Any contract awarded under this paragraph must be competitively procured. In developing the behavioral health care prepaid plan procurement document, the agency shall ensure that the procurement document requires the contractor to develop and implement a plan to ensure compliance with s. 394.4574 related to services provided to residents of licensed assisted living facilities that hold a limited mental health license. Except as provided in subparagraph 8., and except in counties where the Medicaid managed care pilot program is authorized pursuant to s. 409.91211, the agency

shall seek federal approval to contract with a single entity meeting these requirements to provide comprehensive behavioral health care services to all Medicaid recipients not enrolled in a Medicaid managed care plan authorized under s. 409.91211 or a Medicaid health maintenance organization in an AHCA area. In an AHCA area where the Medicaid managed care pilot program is authorized pursuant to s. 409.91211 in one or more counties, the agency may procure a contract with a single entity to serve the remaining counties as an AHCA area or the remaining counties may be included with an adjacent AHCA area and shall be subject to this paragraph. Each entity must offer sufficient choice of providers in its network to ensure recipient access to care and the opportunity to select a provider with whom they are satisfied. The network shall include all public mental health hospitals. To ensure unimpaired access to behavioral health care services by Medicaid recipients, ~~all contracts issued pursuant to this paragraph shall require 80 percent of the capitation paid to the managed care plan, including health maintenance organizations, to be expended for the provision of behavioral health care services. In the event the managed care plan expends less than 80 percent of the capitation paid pursuant to this paragraph for the provision of behavioral health care services, the difference shall be returned to the agency. The agency shall provide the managed care plan with a certification letter indicating the amount of capitation paid during each calendar year for the provision of behavioral health care services pursuant to this section.~~ the agency may reimburse for substance abuse treatment services on a fee-for-service basis until the agency finds that adequate funds are available for capitated, prepaid arrangements.

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

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

3. Except as provided in subparagraph 8., by July 1, 2006, the agency and the Department of Children and Family Services shall contract with managed care entities in each AHCA area except area 6 or arrange to provide comprehensive inpatient and outpatient mental health and substance abuse services through capitated prepaid arrangements to all Medicaid recipients who are eligible to participate in such plans under federal law and regulation. In AHCA areas where eligible individuals number less than 150,000, the agency shall contract with a single managed care plan to provide comprehensive behavioral health services to all recipients who are not enrolled in a Medicaid health maintenance organization or a Medicaid capitated managed care plan authorized under s. 409.91211. The agency may contract with more than one comprehensive behavioral health provider to provide care to recipients who are not enrolled in a Medicaid capitated managed care plan authorized under s. 409.91211 or a Medicaid health maintenance organization in AHCA areas where the eligible population exceeds 150,000. In an AHCA area where the Medicaid managed care pilot program is authorized pursuant to s. 409.91211 in one or more counties, the agency may procure a contract with a single entity to serve the remaining counties as an AHCA area or the remaining counties may be included with an adjacent AHCA area and shall be subject to this paragraph. Contracts for comprehensive behavioral health providers awarded pursuant to this section shall be competitively procured. Both for-profit and not-for-profit corporations shall be eligible to compete. Managed care plans contracting with the agency under subsection (3) shall provide and receive payment for the same comprehensive behavioral health benefits as provided in AHCA rules, including handbooks incorporated by reference. In AHCA area 11, the agency shall contract with at least two comprehensive behavioral health care providers to provide behavioral health care to recipients in that area who are enrolled in, or assigned to, the MediPass program. One of the behavioral health care contracts shall be with the existing provider service network pilot project, as described in paragraph (d), for the purpose of demonstrating the cost-effectiveness of the provision of quality mental health services through a public hospital-operated managed care model. Payment shall be at an agreed-upon capitated rate to ensure cost savings. Of the recipients in area 11 who are assigned to MediPass under the provisions of s. 409.9122(2)(k), a minimum of 50,000 of those MediPass-enrolled recipients shall be as-

signed to the existing provider service network in area 11 for their behavioral care.

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

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

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

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

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

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

7. Traditional community mental health providers under contract with the Department of Children and Family Services pursuant to part IV of chapter 394, child welfare providers under contract with the Department of Children and Family Services in areas 1 and 6, and inpatient mental health providers licensed pursuant to chapter 395 must be offered an opportunity to accept or decline a contract to participate in any provider network for prepaid behavioral health services.

8. For fiscal year 2004-2005, all Medicaid eligible children, except children in areas 1 and 6, whose cases are open for child welfare services in the HomeSafeNet system, shall be enrolled in MediPass or in Medicaid fee-for-service and all their behavioral health care services including inpatient, outpatient psychiatric, community mental health, and case management shall be reimbursed on a fee-for-service basis. Beginning July 1, 2005, such children, who are open for child welfare services in the HomeSafeNet system, shall receive their behavioral health care services through a specialty prepaid plan operated by community-based lead agencies either through a single agency or formal agreements among several agencies. The specialty prepaid plan must result in savings to the state comparable to savings achieved in other Medicaid managed care and prepaid programs. Such plan must provide mechanisms to maximize state and local revenues. The specialty prepaid plan shall be developed by the agency and the Department of Children and Family Services. The agency is authorized to seek any federal waivers to implement this initiative.

(44) The Agency for Health Care Administration shall ensure that any Medicaid managed care plan as defined in s. 409.9122(2)(f)(~~h~~), whether paid on a capitated basis or a shared savings basis, is cost-effective. For purposes of this subsection, the term "cost-effective" means that a network's per-member, per-month costs to the state, including, but not limited to, fee-for-service costs, administrative costs, and case-management fees, if any, must be no greater than the state's costs associated with contracts for Medicaid services established under subsection (3), which ~~may~~ shall be actuarially adjusted for ~~health status case mix, model, and service area~~. The agency shall conduct actuarially sound ~~adjustments for health status audits adjusted for case mix and model~~ in order to ensure such cost-effectiveness and shall publish the ~~audit~~ results on its Internet website and submit the ~~audit~~ results annually to the

Governor, the President of the Senate, and the Speaker of the House of Representatives no later than December 31 of each year. Contracts established pursuant to this subsection which are not cost-effective may not be renewed.

(53) *In accordance with s. 430.705 and 42 C.F.R. s. 438, Medicaid capitation payments for managed long-term care programs shall be risk adjusted by plan and reflect members' level of chronic illness, functional limitations, and risk of institutional placement, as determined by expenditures for a comparable fee-for-service population. Payments for Medicaid home and community-based services shall be actuarially equivalent to plan experience.*

Section 11. Paragraphs (f) and (k) of subsection (2) of section 409.9122, Florida Statutes, are amended to read:

409.9122 Mandatory Medicaid managed care enrollment; programs and procedures.—

(2)

(f) When a Medicaid recipient does not choose a managed care plan or MediPass provider, the agency shall assign the Medicaid recipient to a managed care plan or MediPass provider. Medicaid recipients who are subject to mandatory assignment but who fail to make a choice shall be assigned to managed care plans until an enrollment of 35 40 percent in MediPass and 65 60 percent in managed care plans, *of all those eligible to choose managed care*, is achieved. Once this enrollment is achieved, the assignments shall be divided in order to maintain an enrollment in MediPass and managed care plans which is in a 35 40 percent and 65 60 percent proportion, respectively. Thereafter, assignment of Medicaid recipients who fail to make a choice shall be based proportionally on the preferences of recipients who have made a choice in the previous period. Such proportions shall be revised at least quarterly to reflect an update of the preferences of Medicaid recipients. The agency shall disproportionately assign Medicaid-eligible recipients who are required to but have failed to make a choice of managed care plan or MediPass, including children, and who are to be assigned to the MediPass program to children's networks as described in s. 409.912(4)(g), Children's Medical Services Network as defined in s. 391.021, exclusive provider organizations, provider service networks, minority physician networks, and pediatric emergency department diversion programs authorized by this chapter or the General Appropriations Act, in such manner as the agency deems appropriate, until the agency has determined that the networks and programs have sufficient numbers to be economically operated. For purposes of this paragraph, when referring to assignment, the term "managed care plans" includes health maintenance organizations, exclusive provider organizations, provider service networks, minority physician networks, Children's Medical Services Network, and pediatric emergency department diversion programs authorized by this chapter or the General Appropriations Act. When making assignments, the agency shall take into account the following criteria:

1. A managed care plan has sufficient network capacity to meet the need of members.
2. The managed care plan or MediPass has previously enrolled the recipient as a member, or one of the managed care plan's primary care providers or MediPass providers has previously provided health care to the recipient.
3. The agency has knowledge that the member has previously expressed a preference for a particular managed care plan or MediPass provider as indicated by Medicaid fee-for-service claims data, but has failed to make a choice.
4. The managed care plan's or MediPass primary care providers are geographically accessible to the recipient's residence.

(k) When a Medicaid recipient does not choose a managed care plan or MediPass provider, the agency shall assign the Medicaid recipient to a managed care plan, except in those counties in which there are fewer than two managed care plans accepting Medicaid enrollees, in which case assignment shall be to a managed care plan or a MediPass provider. Medicaid recipients in counties with fewer than two managed care plans accepting Medicaid enrollees who are subject to mandatory assignment but who fail to make a choice shall be assigned to managed care plans until an enrollment of 35 40 percent in MediPass and 65 60 percent in managed care plans, *of all those eligible to choose managed care*, is

achieved. Once that enrollment is achieved, the assignments shall be divided in order to maintain an enrollment in MediPass and managed care plans which is in a 35 40 percent and 65 60 percent proportion, respectively. In service areas 1 and 6 of the Agency for Health Care Administration where the agency is contracting for the provision of comprehensive behavioral health services through a capitated prepaid arrangement, recipients who fail to make a choice shall be assigned equally to MediPass or a managed care plan. For purposes of this paragraph, when referring to assignment, the term "managed care plans" includes exclusive provider organizations, provider service networks, Children's Medical Services Network, minority physician networks, and pediatric emergency department diversion programs authorized by this chapter or the General Appropriations Act. When making assignments, the agency shall take into account the following criteria:

1. A managed care plan has sufficient network capacity to meet the need of members.
2. The managed care plan or MediPass has previously enrolled the recipient as a member, or one of the managed care plan's primary care providers or MediPass providers has previously provided health care to the recipient.
3. The agency has knowledge that the member has previously expressed a preference for a particular managed care plan or MediPass provider as indicated by Medicaid fee-for-service claims data, but has failed to make a choice.
4. The managed care plan's or MediPass primary care providers are geographically accessible to the recipient's residence.
5. The agency has authority to make mandatory assignments based on quality of service and performance of managed care plans.

Section 12. Paragraph (b) of subsection (5) of section 624.91, Florida Statutes, is amended to read:

624.91 The Florida Healthy Kids Corporation Act.—

(5) CORPORATION AUTHORIZATION, DUTIES, POWERS.—

(b) The Florida Healthy Kids Corporation shall:

1. Arrange for the collection of any family, local contributions, or employer payment or premium, in an amount to be determined by the board of directors, to provide for payment of premiums for comprehensive insurance coverage and for the actual or estimated administrative expenses.
2. Arrange for the collection of any voluntary contributions to provide for payment of premiums for children who are not eligible for medical assistance under Title XXI of the Social Security Act. Each fiscal year, the corporation shall establish a local match policy for the enrollment of non-Title-XXI-eligible children in the Healthy Kids program. By May 1 of each year, the corporation shall provide written notification of the amount to be remitted to the corporation for the following fiscal year under that policy. Local match sources may include, but are not limited to, funds provided by municipalities, counties, school boards, hospitals, health care providers, charitable organizations, special taxing districts, and private organizations. The minimum local match cash contributions required each fiscal year and local match credits shall be determined by the General Appropriations Act. The corporation shall calculate a county's local match rate based upon that county's percentage of the state's total non-Title-XXI expenditures as reported in the corporation's most recently audited financial statement. In awarding the local match credits, the corporation may consider factors including, but not limited to, population density, per capita income, and existing child-health-related expenditures and services. *If local match amounts collected exceed expenditures during any fiscal year, including the 2005-2006 fiscal year, the corporation shall return unspent local funds collected based on a formula developed by the corporation.*
3. Subject to the provisions of s. 409.8134, accept voluntary supplemental local match contributions that comply with the requirements of Title XXI of the Social Security Act for the purpose of providing additional coverage in contributing counties under Title XXI.
4. Establish the administrative and accounting procedures for the operation of the corporation.

5. Establish, with consultation from appropriate professional organizations, standards for preventive health services and providers and comprehensive insurance benefits appropriate to children, provided that such standards for rural areas shall not limit primary care providers to board-certified pediatricians.

6. Determine eligibility for children seeking to participate in the Title XXI-funded components of the Florida KidCare program consistent with the requirements specified in s. 409.814, as well as the non-Title-XXI-eligible children as provided in subsection (3).

7. Establish procedures under which providers of local match to, applicants to and participants in the program may have grievances reviewed by an impartial body and reported to the board of directors of the corporation.

8. Establish participation criteria and, if appropriate, contract with an authorized insurer, health maintenance organization, or third-party administrator to provide administrative services to the corporation.

9. Establish enrollment criteria which shall include penalties or waiting periods of not fewer than 60 days for reinstatement of coverage upon voluntary cancellation for nonpayment of family premiums.

10. Contract with authorized insurers or any provider of health care services, meeting standards established by the corporation, for the provision of comprehensive insurance coverage to participants. Such standards shall include criteria under which the corporation may contract with more than one provider of health care services in program sites. Health plans shall be selected through a competitive bid process. The Florida Healthy Kids Corporation shall purchase goods and services in the most cost-effective manner consistent with the delivery of quality medical care. The maximum administrative cost for a Florida Healthy Kids Corporation contract shall be 15 percent. For health care contracts, the minimum medical loss ratio for a Florida Healthy Kids Corporation contract shall be 85 percent. For dental contracts, the remaining compensation to be paid to the authorized insurer or provider under a Florida Healthy Kids Corporation contract shall be no less than an amount which is 85 percent of premium; to the extent any contract provision does not provide for this minimum compensation, this section shall prevail. The health plan selection criteria and scoring system, and the scoring results, shall be available upon request for inspection after the bids have been awarded.

11. Establish disenrollment criteria in the event local matching funds are insufficient to cover enrollments.

12. Develop and implement a plan to publicize the Florida Healthy Kids Corporation, the eligibility requirements of the program, and the procedures for enrollment in the program and to maintain public awareness of the corporation and the program.

13. Secure staff necessary to properly administer the corporation. Staff costs shall be funded from state and local matching funds and such other private or public funds as become available. The board of directors shall determine the number of staff members necessary to administer the corporation.

14. Provide a report annually to the Governor, Chief Financial Officer, Commissioner of Education, Senate President, Speaker of the House of Representatives, and Minority Leaders of the Senate and the House of Representatives.

15. Establish benefit packages which conform to the provisions of the Florida KidCare program, as created in ss. 409.810-409.820.

Section 13. Subsection (4) of section 430.705, Florida Statutes, is amended to read:

430.705 Implementation of the long-term care community diversion pilot projects.—

(4) Pursuant to 42 C.F.R. s. 438.6(c), the agency, in consultation with the department, shall annually reevaluate and recertify the capitation rates for the diversion pilot projects. The agency, in consultation with the department, shall secure the utilization and cost data for Medicaid and Medicare beneficiaries served by the program which shall be used in developing rates for the diversion pilot projects. *The capitation rates shall be risk adjusted by plan and reflect members' level of chronic ill-*

*ness, functional limitations, and risk of institutional placement, as determined by expenditures for a comparable fee-for-service population. Payments for Medicaid home and community-based services shall be actuarially equivalent to plan experience.*

Section 14. This act shall take effect July 1, 2006.

And the title is amended as follows:

Remove the entire title and insert:

A bill to be entitled An act relating to health care; amending s. 400.23, F.S.; revising minimum staffing requirements for nursing homes; amending s. 409.904, F.S.; revising requirements relating to eligibility of certain women for family planning services; amending s. 409.905, F.S.; revising requirements for the hospitalist program; removing a provision authorizing the Agency for Health Care Administration to seek certain waivers to implement the program; amending s. 409.906, F.S.; revising provisions relating to optional adult dental and visual services covered by Medicaid; amending s. 409.907, F.S.; revising the enrollment effective date for Medicaid providers; providing procedures for payment for certain claims for services; amending s. 409.9081, F.S.; revising the limitation on Medicaid recipient copayments for emergency room services; amending s. 409.911, F.S., relating to the hospital disproportionate share program; revising the method for calculating disproportionate share payments to hospitals; deleting obsolete provisions; amending s. 409.9113, F.S.; providing guidelines for distribution of disproportionate share funds to certain teaching hospitals; amending s. 409.9117, F.S., relating to the primary care disproportionate share program; revising the time period during which the agency shall not distribute certain moneys; amending s. 409.912, F.S., relating to cost-effective purchasing of health care; deleting an obsolete provision requiring a certain percentage of capitation paid to managed care plans to be expended for behavioral health services; providing that adjustments for health status be considered in agency evaluations of the cost-effectiveness of Medicaid managed care plans; providing requirements for Medicaid capitation payments for managed long-term care programs and payments for Medicaid home and community-based services; amending s. 409.9122, F.S.; revising enrollment limits for Medicaid recipients who are subject to mandatory assignment to managed care plans and MediPass; amending s. 624.91, F.S.; requiring the Florida Healthy Kids Corporation to return certain unspent funds based on a formula developed by the corporation; amending s. 430.705, F.S., relating to implementation of the long-term care community diversion pilot projects; providing requirements for Medicaid capitation payments for managed long-term care programs and payments for Medicaid home and community-based services; providing an effective date.

On motion by Senator Carlton, the Senate refused to concur in the House amendment and acceded to the House's request for a conference committee.

The action of the Senate was certified to the House.

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 394, with amendment(s), and requests the concurrence of the Senate or, failing to concur, requests the Senate to appoint a committee of conference to meet with a like committee appointed by the Speaker to resolve differences between the houses.

John B. Phelps, Clerk

**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.

**House Amendment 1 (188153)(with title amendment)—**

Remove everything after the enacting clause and insert:

Section 1. Subsection (4) of section 393.0661, Florida Statutes, is amended, and subsection (5) is added to that section, to read:

393.0661 Home and community-based services delivery system; comprehensive redesign.—The Legislature finds that the home and community-based services delivery system for persons with developmental disabilities and the availability of appropriated funds are two of the critical elements in making services available. Therefore, it is the intent of the Legislature that the Agency for Persons with Disabilities shall develop and implement a comprehensive redesign of the system.

(4) Nothing in this section or in any administrative rule shall be construed to prevent or limit the Agency for Health Care Administration, in consultation with the Agency for Persons with Disabilities, from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or from limiting enrollment, or making any other adjustment necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act. ~~If at any time, based upon an analysis by the Agency for Health Care Administration in consultation with the Agency for Persons with Disabilities, the cost of home and community-based waiver services are expected to exceed the appropriated amount, the Agency for Health Care Administration may implement any adjustment, including provider rate reductions, within 30 days in order to remain within the appropriation.~~

(5) *The Agency for Persons with Disabilities shall submit quarterly status reports to the Executive Office of the Governor, the chair of the Senate Ways and Means Committee, and the chair of the House Fiscal Council regarding the financial status of home and community-based services provided under the federally approved waiver, including, but not limited to, the number of clients currently being served through the program and information concerning the actual and projected costs as compared to the amount of the appropriation available to the program. If at any time an analysis by the agency finds that the cost of services is expected to exceed the amount appropriated, based on the current rates as implemented on November 1, 2003, the agency shall implement any adjustment that is necessary under subsection (4) in order to remain within the appropriation.*

Section 2. Paragraph (d) of subsection (15) of section 440.02, Florida Statutes, is amended to read:

440.02 Definitions.—When used in this chapter, unless the context clearly requires otherwise, the following terms shall have the following meanings:

(15)

(d) “Employee” does not include:

1. An independent contractor who is not engaged in the construction industry.

a. In order to meet the definition of independent contractor, at least four of the following criteria must be met:

(I) The independent contractor maintains a separate business with his or her own work facility, truck, equipment, materials, or similar accommodations;

(II) The independent contractor holds or has applied for a federal employer identification number, unless the independent contractor is a sole proprietor who is not required to obtain a federal employer identification number under state or federal regulations;

(III) The independent contractor receives compensation for services rendered or work performed and such compensation is paid to a business rather than to an individual;

(IV) The independent contractor holds one or more bank accounts in the name of the business entity for purposes of paying business expenses or other expenses related to services rendered or work performed for compensation;

(V) The independent contractor performs work or is able to perform work for any entity in addition to or besides the employer at his or her

own election without the necessity of completing an employment application or process; or

(VI) The independent contractor receives compensation for work or services rendered on a competitive-bid basis or completion of a task or a set of tasks as defined by a contractual agreement, unless such contractual agreement expressly states that an employment relationship exists.

b. If four of the criteria listed in sub-subparagraph a. do not exist, an individual may still be presumed to be an independent contractor and not an employee based on full consideration of the nature of the individual situation with regard to satisfying any of the following conditions:

(I) The independent contractor performs or agrees to perform specific services or work for a specific amount of money and controls the means of performing the services or work.

(II) The independent contractor incurs the principal expenses related to the service or work that he or she performs or agrees to perform.

(III) The independent contractor is responsible for the satisfactory completion of the work or services that he or she performs or agrees to perform.

(IV) The independent contractor receives compensation for work or services performed for a commission or on a per-job basis and not on any other basis.

(V) The independent contractor may realize a profit or suffer a loss in connection with performing work or services.

(VI) The independent contractor has continuing or recurring business liabilities or obligations.

(VII) The success or failure of the independent contractor’s business depends on the relationship of business receipts to expenditures.

c. Notwithstanding anything to the contrary in this subparagraph, an individual claiming to be an independent contractor has the burden of proving that he or she is an independent contractor for purposes of this chapter.

2. A real estate licensee, if that person agrees, in writing, to perform for remuneration solely by way of commission.

3. Bands, orchestras, and musical and theatrical performers, including disk jockeys, performing in licensed premises as defined in chapter 562, if a written contract evidencing an independent contractor relationship is entered into before the commencement of such entertainment.

4. An owner-operator of a motor vehicle who transports property under a written contract with a motor carrier which evidences a relationship by which the owner-operator assumes the responsibility of an employer for the performance of the contract, if the owner-operator is required to furnish motor vehicle equipment as identified in the written contract and the principal costs incidental to the performance of the contract, including, but not limited to, fuel and repairs, provided a motor carrier’s advance of costs to the owner-operator when a written contract evidences the owner-operator’s obligation to reimburse such advance shall be treated as the owner-operator furnishing such cost and the owner-operator is not paid by the hour or on some other time-measured basis.

5. A person whose employment is both casual and not in the course of the trade, business, profession, or occupation of the employer.

6. A volunteer, except a volunteer worker for the state or a county, municipality, or other governmental entity. A person who does not receive monetary remuneration for services is presumed to be a volunteer unless there is substantial evidence that a valuable consideration was intended by both employer and employee. For purposes of this chapter, the term “volunteer” includes, but is not limited to:

a. Persons who serve in private nonprofit agencies and who receive no compensation other than expenses in an amount less than or equivalent to the standard mileage and per diem expenses provided to salaried employees in the same agency or, if such agency does not have salaried employees who receive mileage and per diem, then such volunteers who receive no compensation other than expenses in an amount less than or

equivalent to the customary mileage and per diem paid to salaried workers in the community as determined by the department; and

b. Volunteers participating in federal programs established under Pub. L. No. 93-113.

7. Unless otherwise prohibited by this chapter, any officer of a corporation who elects to be exempt from this chapter. Such officer is not an employee for any reason under this chapter until the notice of revocation of election filed pursuant to s. 440.05 is effective.

8. An officer of a corporation that is engaged in the construction industry who elects to be exempt from the provisions of this chapter, as otherwise permitted by this chapter. Such officer is not an employee for any reason until the notice of revocation of election filed pursuant to s. 440.05 is effective.

9. An exercise rider who does not work for a single horse farm or breeder, and who is compensated for riding on a case-by-case basis, provided a written contract is entered into prior to the commencement of such activity which evidences that an employee/employer relationship does not exist.

10. A taxicab, limousine, or other passenger vehicle-for-hire driver who operates said vehicles pursuant to a written agreement with a company which provides any dispatch, marketing, insurance, communications, or other services under which the driver and any fees or charges paid by the driver to the company for such services are not conditioned upon, or expressed as a proportion of, fare revenues.

11. A person who performs services as a sports official for an entity sponsoring an interscholastic sports event or for a public entity or private, nonprofit organization that sponsors an amateur sports event. For purposes of this subparagraph, such a person is an independent contractor. For purposes of this subparagraph, the term "sports official" means any person who is a neutral participant in a sports event, including, but not limited to, umpires, referees, judges, linespersons, scorekeepers, or timekeepers. This subparagraph does not apply to any person employed by a district school board who serves as a sports official as required by the employing school board or who serves as a sports official as part of his or her responsibilities during normal school hours.

12. Medicaid-enrolled clients under chapter 393 who are excluded from the definition of employment under s. 443.1216(4)(d) and served by Adult Day Training Services under the Home and Community-Based or the Family and Supported Living Medicaid Waiver program in a sheltered workshop setting licensed by the United States Department of Labor for the purpose of training and earning less than the federal hourly minimum wage.

13. Medicaid-enrolled clients under chapter 393 who are excluded from the definition of employment under s. 443.1216(4)(d) and served by Adult Day Training Services under the Family and Supported Living Medicaid Waiver program in a sheltered workshop setting licensed by the United States Department of Labor for the purpose of training and earning less than the federal hourly minimum wage. ~~This subparagraph expires July 1, 2006.~~

Section 3. This act shall take effect January 1, 2007.

And the title is amended as follows:

Remove the entire title and insert:

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.

On motion by Senator Carlton, the Senate refused to concur in the House amendment and acceded to the House's request for a conference committee.

The action of the Senate was certified to the House.

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 398, with amendment(s), and requests the concurrence of the Senate or, failing to concur, requests the Senate to appoint a committee of conference to meet with a like committee appointed by the Speaker to resolve differences between the houses.

John B. Phelps, Clerk

**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.

**House Amendment 1 (584845)(with title amendment)—**

Remove everything after the enacting clause and insert:

Section 1. Subsection (3) of section 394.457, Florida Statutes, is amended to read:

394.457 Operation and administration.—

(3) **POWER TO CONTRACT.**—The department may contract to provide, and be provided with, services and facilities in order to carry out its responsibilities under this part with the following agencies: public and private hospitals; receiving and treatment facilities; clinics; laboratories; departments, divisions, and other units of state government; the state colleges and universities; the community colleges; private colleges and universities; counties, municipalities, and any other governmental unit, including facilities of the United States Government; and any other public or private entity which provides or needs facilities or services. Baker Act funds for community inpatient, crisis stabilization, short-term residential treatment, and screening services must be allocated to each county pursuant to the department's funding allocation methodology. Notwithstanding the provisions of s. 287.057(5)(f), contracts for community-based Baker Act services for inpatient, crisis stabilization, short-term residential treatment, and screening provided under this part, other than those with other units of government, to be provided for the department must be awarded using competitive sealed bids when the county commission of the county receiving the services makes a request to the department's district office by January 15 of the contracting year. The district shall not enter into a competitively bid contract under this provision if such action will result in increases of state or local expenditures for Baker Act services within the district. Contracts for these Baker Act services using competitive sealed bids will be effective for 3 years. ~~Services contracted for by the department may be reimbursed by the state at a rate up to 100 percent.~~ The department shall adopt rules establishing minimum standards for such contracted services and facilities and shall make periodic audits and inspections to assure that the contracted services are provided and meet the standards of the department.

Section 2. Section 394.908, Florida Statutes, is amended to read:

394.908 Substance abuse and mental health funding equity; distribution of appropriations.—In recognition of the historical inequity ~~among service districts of the former Department of Health and Rehabilitative Services~~ in the funding of substance abuse and mental health services ~~for the department's districts and regions, and in order to rectify~~

this inequity and provide for equitable funding in the future throughout the state, the following funding process shall be ~~used adhered to:~~

(1) Funding thresholds for substance abuse and mental health services in each of the current districts, statewide, shall be established based on the current number of persons in need per district of substance abuse and mental health services, respectively.

(2) "Persons in need" means those persons who fit the profile of the respective target populations and require mental health or substance abuse services.

(3) ~~Seventy-five percent of~~ Any additional funding beyond the ~~2005-2006 1996-1997~~ fiscal year base appropriation for alcohol, drug abuse, and mental health services shall be allocated to districts for substance abuse and mental health services based on:

(a) Epidemiological estimates of disabilities ~~that which~~ apply to the respective target populations.

(b) A pro rata share distribution that ensures districts below the statewide average funding level per person in each target population of "persons in need" receive funding necessary to achieve equity.

~~(4) The remaining 25 percent shall be allocated based on the number of persons in need of substance abuse and mental health services per district without regard to current funding levels.~~

~~(4)(5)~~ Target populations for persons in need shall be displayed for each district and distributed concurrently with the approved operating budget. The display by target population shall show: The annual number of persons served based on prior year actual numbers, the annual cost per person served, ~~the number of persons served by service cost center,~~ and the estimated number of the total target population for persons in need.

~~(5)(6)~~ The annual cost per person served shall be defined as the total actual funding for each target population divided by the number of persons served in the target population for that year.

~~(7) Commencing on July 1, 1998, all additional funding pursuant to this section shall be performance-based.~~

~~(8) For fiscal year 2004-2005 only, and notwithstanding the provisions of this section, all new funds received in excess of fiscal year 2003-2004 recurring appropriations shall be allocated in accordance with the provisions of the General Appropriations Act; however, no district shall receive an allocation of recurring funds less than its initial approved operating budget, plus any distributions of lump sum appropriations or reductions in unfunded budget, for fiscal year 2003-2004. This subsection expires July 1, 2005.~~

Section 3. Subsection (10) of section 402.33, Florida Statutes, is amended to read:

402.33 Department authority to charge fees for services provided.—

~~(10)(a) Unless otherwise specified by the Legislature, fee collections, including third-party reimbursements, in excess of fee-supported appropriations may be used in conformance with the provisions of chapter 216 to fund nonrecurring expenditures for direct client services and to fund administrative costs of improving the fee-collection program of the department. No more than one sixth of the amount of collections in excess of the amount of appropriations may be used to fund such improvements to the program. Priority consideration for the expenditure of excess collections shall be given to those districts and programs most responsible for the excess. A plan for the use of excess collections not spent in the fiscal year in which collected shall be subject to approval by the Executive Office of the Governor within 90 days from the end of the state fiscal year in which the excess occurs.~~

~~(b) For the 2005-2006 fiscal year only, the provisions of paragraph (a) shall not apply. This paragraph expires July 1, 2006.~~

Section 4. Subsection (7) of section 409.1671, Florida Statutes, is amended to read:

409.1671 Foster care and related services; outsourcing.—

~~(7) The Florida Coalition for Children, Inc., in consultation with the department, shall develop a plan, in consultation with the Florida Coalition for Children, Inc., based on an independent actuarial study regarding the long-term use and structure of a statewide community-based care risk pool for the protection of eligible lead community-based providers, their subcontractors, and providers of other social services who contract directly with the department. The plan must also outline strategies to maximize federal earnings as they relate to the community-based care risk pool. At a minimum, the plan must allow for the use of federal earnings received from child welfare programs to be allocated to the community-based care risk pool by the department, which earnings are determined by the department to be in excess of the amount appropriated in the General Appropriations Act. The plan must specify the necessary steps to ensure the financial integrity and industry-standard risk management practices of the community-based care risk pool and the continued availability of funding from federal, state, and local sources. The plan must also include recommendations that permit the program to be available to entities of the department providing child welfare services until full conversion to community-based care takes place. The final plan shall be submitted to the department and then to the Executive Office of the Governor and the Legislative Budget Commission for formal adoption before January 1, 2005. Upon approval of the plan by all parties, the department is authorized to expend funds from the community-based care risk pool pursuant to the provisions of the plan shall issue an interest-free loan that is secured by the cumulative contractual revenue of the community-based care risk pool membership, and the amount of the loan shall equal the amount appropriated by the Legislature for this purpose. The plan shall provide for a governance structure that assures the department the ability to oversee the operation of the community-based care risk pool at least until this loan is repaid in full.~~

(a) The purposes for which the community-based care risk pool shall be used include, but are not limited to:

1. Significant changes in the number or composition of clients eligible to receive services.
2. Significant changes in the services that are eligible for reimbursement.
3. Scheduled or unanticipated, but necessary, advances to providers or other cash-flow issues.
4. Proposals to participate in optional Medicaid services or other federal grant opportunities.
5. Appropriate incentive structures.
6. Continuity of care in the event of failure, discontinuance of service, or financial misconduct by a lead agency.
7. Payment for time-limited technical assistance and consultation to lead agencies in the event of serious performance or management problems.
8. Payment for meeting all traditional and nontraditional insurance needs of eligible members.
9. Significant changes in the mix of available funds.

(b) After approval of the plan in the 2004-2005 fiscal year and annually thereafter, the department may also request in its annual legislative budget request, and the Governor may recommend, that the funding necessary to carry out paragraph (a) be appropriated to the department. ~~Subsequent funding of the community-based care risk pool shall be supported by premiums assessed to members of the community-based care risk pool on a recurring basis. The community-based care risk pool may invest and retain interest earned on these funds. In addition, the department may transfer funds to the community-based care risk pool as available in order to ensure an adequate funding level if the fund is declared to be insolvent and approval is granted by the Legislative Budget Commission. Such payments for insolvency shall be made only after a determination is made by the department or its actuary that all participants in the community-based care risk pool are current in their payments of premiums and that assessments have been made at an actuarially sound level. Such payments by participants in the community-based care risk pool may not exceed reasonable industry standards, as determined by the actuary. Money from this fund may be used to match available federal dollars. Dividends or other payments, with the~~

exception of legitimate claims, may not be paid to members of the community-based care risk pool until the loan issued by the department is repaid in full. Dividends or other payments, with the exception of legitimate claims and other purposes contained in the approved plan, may not be paid to members of the community-based care risk pool unless, at the time of distribution, the community-based care risk pool is deemed actuarially sound and solvent. Solvency shall be determined by an independent actuary contracted by the department. The plan shall be developed in consultation with the Office of Insurance Regulation.

1. Such funds shall constitute partial security for contract performance by lead agencies and shall be used to offset the need for a performance bond. Subject to the approval of the plan, the community-based care risk pool shall be managed by the Florida Coalition for Children, Inc., or the designated contractors of the Florida Coalition for Children, Inc. Nonmembers of the community-based care risk pool may continue to contract with the department but must provide a letter of credit equal to one twelfth of the annual contract amount in lieu of membership in the community-based care risk pool.

2. The department may separately require a bond to mitigate the financial consequences of potential acts of malfeasance, misfeasance, or criminal violations by the provider.

(c) The department may issue an interest-free loan to the Florida Coalition for Children, Inc., for the purpose of creating a self-insurance program. The loan shall be secured by the cumulative contractual revenue of the community-based care lead agencies participating in the self-insurance program. The amount of the loan shall be in an amount equal to the amount appropriated by the Legislature for this purpose.

Section 5. *Effective upon this act becoming a law:*

(1) A 3-year pilot program is established for the community-based care lead agencies serving Miami-Dade, Monroe, and Broward Counties. This pilot program shall allow for the transfer of the current lead agency oversight responsibilities of the Department of Children and Family Services to independent agents and for funding the program through a grant that enhances funding flexibility. The pilot program shall expand the responsibilities and services provided by these lead agencies.

(2) The Department of Children and Family Services shall enter into a 3-year contract with the designated community-based care lead agency serving Miami-Dade and Monroe Counties and with the designated community-based care lead agency serving Broward County, which have been established in accordance with s. 409.1671, Florida Statutes. The contracts must be fixed-payment contracts funded in 36 equal monthly installments. The first 2 months shall be paid in advance, and the contract must contain the elements outlined in this section. The initial 2-month advance payment is due July 10, 2006. The contracts shall be funded by general revenue through a grant and by federal Title IV-E funding and other federal funding sources. The amount of federal Title IV-E funding allocated in each year of the 3-year pilot program shall be equal to the amount earned by each of the lead agencies during the 2005-2006 fiscal year. The state shall be held harmless for any shortfall caused by the lead agencies' inability to earn the allocated Title IV-E funding, and each lead agency's contract shall be increased in accordance with any federal overearnings. Funding in excess of the contracted amounts for the lead agencies shall be available only in the event of additional specific legislative appropriations for services provided under s. 409.1671, Florida Statutes; an increase in the population of children served that exceeds 3 percent of the population of children served on June 15, 2005, by either lead agency; or unforeseen catastrophic events as determined by the Governor and funded by the Legislature. The lead agencies shall annually provide certified audited financial statements to the Governor, the Department of Children and Family Services, and the appropriations committees of the Legislature. All other required fiscal reporting shall be determined by the independent fiscal monitors selected by the parties. For purposes of this section, the term "parties" means the two lead agencies implementing this pilot program and the Department of Children and Family Services. In order to facilitate and expedite the execution of this section, the parties shall engage an independent arbitrator for purposes of dispute resolution, including any disputes related to the form and substance of the contract to execute the pilot program, with an award of fees and costs to the prevailing party. The arbitrator's role shall be limited to selecting which party's position is more reasonable.

(3) Contract management, fiscal oversight, and programmatic oversight shall be conducted by independent, nongovernmental third-party

entities under contract to the department and shall be conducted in a manner jointly agreed to by the lead agencies and the department. The cost of contracting with these independent entities shall be funded by the department. Notwithstanding any other provision to the contrary, the pilot program may not be implemented until the parties have agreed to the selection of these entities and the manner in which they are to carry out their responsibilities. Such agreement must be reached by the parties no later than July 1, 2006. The selection of the entities for purposes of compliance with this subsection shall be exempt from the provisions of s. 287.057, Florida Statutes. Fiscal oversight shall be conducted in a manner similar to the model used by the department during the 2005-2006 fiscal year in Miami-Dade and Monroe Counties. In order to be able to compare the performance of the pilot program's lead agencies with that of other lead agencies, the programmatic performance of the pilot program's lead agencies shall be measured and monitored by outcome measures contained in their contracts with the department that are in effect on the effective date of this section. The independent entities shall submit their reports directly to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(4) The department and the lead agencies implementing the pilot program shall develop an implementation plan with the Agency for Health Care Administration regarding the pending Medicaid mental health reform for the purpose of implementing a local reform model that allows for the integration of services in the current systems of care.

(5) The annual evaluation required by s. 409.1671(4)(a), Florida Statutes, shall include an evaluation of the pilot program described in this act that compares performance and fiscal management of the community-based care lead agencies in the pilot program to those that are not in the pilot program. In addition, the Office of Program Policy Analysis and Government Accountability and the Office of the Auditor General shall jointly complete an evaluation of the pilot program and provide an interim report to the President of the Senate and the Speaker of the House of Representatives no later than February 1, 2008, and a final report no later than February 1, 2009.

Section 6. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2006.

And the title is amended as follows:

Remove the entire title and insert:

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 funding allocation methodology; amending s. 402.33, F.S.; eliminating certain authority of the Department of Children and Family Services and the Department of Health to use fee collections in excess of fee-supported appropriations for certain purposes; amending s. 409.1671, F.S.; requiring the Department of Children and Family Services to develop a statewide plan for outsourcing foster care and related services; removing certain plan requirements; removing an obsolete date; authorizing the expenditure of certain funds; removing a requirement to issue certain loans; removing certain provisions relative to the sources of future funding; making conforming changes; removing authority of the Florida Coalition for Children, Inc., or its subcontractors to manage certain risk pool funds; authorizing the department to issue an interest-free loan to the Florida Coalition for Children, Inc., to establish a self-insurance program based on certain appropriations; 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 grants and federal funds; requiring that the department enter into fixed-payment 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; specifying that the annual evaluation required in s. 409.1671, F.S., include an evaluation of 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 and to report to the Legislature; providing effective dates.

On motion by Senator Carlton, the Senate refused to concur in the House amendment and acceded to the House's request for a conference committee.

The action of the Senate was certified to the House.

---

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 818, with amendment(s), and requests the concurrence of the Senate or, failing to concur, requests the Senate to appoint a committee of conference to meet with a like committee appointed by the Speaker to resolve differences between the houses.

*John B. Phelps, Clerk*

**CS for SB 818**—A bill to be entitled An act relating to distributions from the Fuel Tax Collection Trust Fund; amending s. 206.9945, F.S.; providing for the distribution of funds to the Florida Coastal Protection Trust Fund and the Inland Protection Trust Fund; providing an effective date.

**House Amendment 1 (546011)(with title amendment)—**

Remove everything after the enacting clause and insert:

Section 1. Subsection (1) of section 206.9945, Florida Statutes, is amended to read:

206.9945 Funds collected; disposition; department authority.—

(1) The department shall deposit all funds received and collected by it under this part into the Fuel Tax Collection Trust Fund to be transferred, less the costs of administration and less the service charges to be deducted pursuant to s. 215.20, as follows:

(a) Moneys collected pursuant to s. 206.9935(1) and tax revenues collected pursuant to s. 207.003 at the rates specified in s. 206.9935(3) shall be transferred to the Florida Coastal Protection Trust Fund as provided in s. 376.11;

(b) Moneys collected pursuant to s. 206.9935(2) shall be transferred to the Water Quality Assurance Trust Fund as provided in s. 376.307; and

(c) Moneys collected pursuant to s. 206.9935(3), less any refunds granted under s. 206.9942, shall be transferred to the Inland Protection Trust Fund as provided in s. 376.3071. *This paragraph does not apply to moneys collected pursuant to s. 207.003 and transferred pursuant to paragraph (a).*

Section 2. This act shall take effect January 1, 2007.

And the title is amended as follows:

Remove the entire title and insert:

A bill to be entitled An act relating to distributions from the Fuel Tax Collection Trust Fund; amending s. 206.9945, F.S.; providing for the distribution of funds to the Florida Coastal Protection Trust Fund; specifying that provisions relative to the distribution of funds to the Inland Protection Trust Fund do not apply to the distribution of funds to the Florida Coastal Protection Trust Fund; providing an effective date.

On motion by Senator Carlton, the Senate refused to concur in the House amendment and acceded to the House's request for a conference committee.

The action of the Senate was certified to the House.

---

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 840, with amendment(s), and requests the concur-

rence of the Senate or, failing to concur, requests the Senate to appoint a committee of conference to meet with a like committee appointed by the Speaker to resolve differences between the houses.

*John B. Phelps, Clerk*

**CS for SB 840**—A bill to be entitled An act relating to the school readiness equity allocation formula; amending s. 411.01, F.S.; requiring the Agency for Workforce Innovation to recommend a formula to allocate funds; providing for changes in the allocation of funds to be specified in the General Appropriations Act; eliminating approval of the allocation formula by the Legislative Budget Commission; eliminating an obsolete provision; providing an effective date.

**House Amendment 1 (006673)(with title amendment)—**

Remove everything after the enacting clause and insert:

And the title is amended as follows:

Remove the entire title and insert:

On motion by Senator Carlton, the Senate refused to concur in the House amendment and acceded to the House's request for a conference committee.

The action of the Senate was certified to the House.

---

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 844, with amendment(s), and requests the concurrence of the Senate or, failing to concur, requests the Senate to appoint a committee of conference to meet with a like committee appointed by the Speaker to resolve differences between the houses.

*John B. Phelps, Clerk*

**CS for SB 844**—A bill to be entitled An act relating to state employees; amending s. 39.8296, F.S.; requiring that the Justice Administrative Commission approve the classification plan and salary and benefits for employees of the Statewide Guardian Ad Litem Office; amending s. 43.16, F.S.; providing that the employees of the Justice Administrative Commission are exempt from the Career Service System and not included in the Senior Management Service or Selected Exempt Service; requiring that such employees be offered benefits comparable to those of the Career Service System, with certain exceptions; requiring that the commission annually submit information concerning certain positions to the Executive Office of the Governor and the Legislature; providing that changes in such positions or level of benefits are subject to requirements for notice and objection; amending s. 110.123, F.S.; specifying the amount of the employer contribution to employee health savings accounts for the 2006-2007 fiscal year; amending s. 110.12315, F.S.; continuing the current schedules of copayments for the prescription drug program for state employees; deleting obsolete provisions; amending s. 110.2035, F.S.; requiring that the Department of Management Services conduct wage and salary surveys in consultation with the Executive Office of the Governor and legislative appropriations committees; requiring that an employing agency advise the Executive Office of the Governor and the Legislature of pay additives before the date of implementation; prohibiting pay additives for a cohort of positions unless specifically authorized by the Legislature; requiring that the Department of Management Services annually report pay additives to the Executive Office of the Governor and the Legislature; amending s. 112.061, F.S.; prohibiting the use of moneys from the State Treasury for per diem or subsistence related to Class C travel; providing an effective date.

**House Amendment 1 (855369)(with title amendment)—**

Remove everything after the enacting clause and insert:

And the title is amended as follows:

Remove the entire title and insert:

On motion by Senator Carlton, the Senate refused to concur in the House amendment and acceded to the House's request for a conference committee.

The action of the Senate was certified to the House.

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 846, with amendment(s), and requests the concurrence of the Senate or, failing to concur, requests the Senate to appoint a committee of conference to meet with a like committee appointed by the Speaker to resolve differences between the houses.

John B. Phelps, Clerk

**CS for SB 846**—A bill to be entitled An act relating to employee benefits; providing for the resolution of certain collective bargaining issues at impasse between the State of Florida and certified bargaining units of state employees; providing an effective date.

**House Amendment 1 (943307)(with title amendment)—**

Remove everything after the enacting clause and insert:

Section 1. *All economic collective bargaining issues at impasse for the 2006-2007 fiscal year between the State of Florida and the legal representatives of the certified bargaining units for state employees shall be resolved pursuant to the instructions provided in House Bill 5001, 2006 Regular Session, and the relevant provisions of any legislation enacted to implement House Bill 5001.*

Section 2. *All noneconomic collective bargaining issues at impasse for the 2006-2007 fiscal year between the State of Florida and the legal representatives of the certified bargaining units for state employees shall be resolved consistent with the personnel rules in effect on March 21, 2006, and the relevant provisions of any legislation modifying the terms and conditions of state employment.*

Section 3. This act shall take effect January 1, 2007.

And the title is amended as follows:

Remove the entire title and insert:

A bill to be entitled An act relating to employee benefits; providing for the resolution of certain collective bargaining issues at impasse between the State of Florida and certified bargaining units of state employees; providing an effective date.

On motion by Senator Carlton, the Senate refused to concur in the House amendment and acceded to the House's request for a conference committee.

The action of the Senate was certified to the House.

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 848, with amendment(s), and requests the concurrence of the Senate or, failing to concur, requests the Senate to appoint a committee of conference to meet with a like committee appointed by the Speaker to resolve differences between the houses.

John B. Phelps, Clerk

**CS for SB 848**—A bill to be entitled An act relating to state buildings and facilities; amending s. 255.249, F.S.; requiring that the department annually report to the Executive Office of the Governor and the Legislature certain information concerning leases that are due to expire and any amendments and supplements to and waivers of the terms and conditions of lease agreements; requiring that specified clauses be included in the terms and conditions of a lease which may not be amended, supplemented, or waived; amending s. 255.25, F.S.; requiring that the Department of Management Services approve the terms of any lease by a state agency; requiring an analysis if the department approves an amendment or supplement to or waiver of a term or condition of a lease agreement; requiring that the department conduct a cost-benefit analysis and obtain specific legal authority before entering into certain leases; providing requirements for the analysis; providing legislative intent with respect to the use of state-owned buildings; requiring that the

Department of Management Services create a plan for fully using such buildings before leasing private buildings; requiring an annual report to the Legislature and the Governor; amending s. 255.503, F.S.; requiring that the department provide an analysis to the Legislature, the Governor, and State Board of Administration before recommending or taking action to dispose of a facility within the Florida Facilities Pool; providing for a delay in such disposition if the President of the Senate or the Speaker of the House of Representatives objects within a specified time; providing an effective date.

**House Amendment 1 (135091)(with title amendment)—**

Remove everything after the enacting clause and insert:

And the title is amended as follows:

Remove the entire title and insert:

On motion by Senator Carlton, the Senate refused to concur in the House amendment and acceded to the House's request for a conference committee.

The action of the Senate was certified to the House.

**CONFEREES APPOINTED**

On motion by Senator Carlton, the following Senate Bills were included in the conference committee's deliberations on **HB 5001, HB 5003, HB 5005, HB 5007, HB 5009, HB 5011, HB 5013, HB 5017, HB 5019, HB 5021 and HB 5023** which were previously appointed April 19: **CS for SB 390, CS for SB 394, CS for SB 398, CS for SB 818, CS for SB 840, CS for SB 844, CS for SB 846 and CS for SB 848.**

The action of the Senate was certified to the House.

**BILLS ON THIRD READING**

**SENATOR SEBESTA PRESIDING**

Consideration of **CS for CS for SB 1018 and CS for CS for SB 656** was deferred.

**CS for SB 2034**—A bill to be entitled An act relating to educational opportunities for children and spouses of deceased or disabled veterans and servicemembers; amending s. 295.01, F.S.; providing that it is the declared policy of the state to provide educational opportunity at state expense for spouses of deceased or disabled servicemembers; providing criteria for qualification for such benefits for unremarried spouses of deceased servicemembers and dependent spouses of disabled servicemembers; amending s. 295.02, F.S.; specifying uses of funds appropriated for such educational opportunities; amending s. 295.03, F.S., relating to withdrawal of benefits upon failure to comply with minimum educational requirements; revising terminology; amending s. 295.05, F.S., relating to enrollment as a prerequisite to receipt of benefits; revising terminology; providing an effective date.

—was read the third time by title.

On motion by Senator Baker, **CS for SB 2034** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Smith	Webster	Wise
Villalobos	Wilson	
Nays—None		

**CS for CS for SB 80**—A bill to be entitled An act relating to electronic mail; requiring certain governmental entities to post a notice on their websites that electronic mail addresses sent to them are subject to release to the public; amending s. 668.606, F.S.; providing an exemption from criminal liability for certain carriers whose equipment transmits commercial electronic mail messages that violate s. 668.603, F.S., which prohibits specified actions relating to transmission of false or misleading unsolicited commercial electronic mail messages; amending s. 668.6075, F.S., and renumbering and amending subsection (2) thereof as s. 668.610, F.S.; providing that remedies and penalties under the Electronic Mail Communications Act are cumulative; creating s. 668.608, F.S.; providing criminal penalties for violations of s. 668.603, F.S., which prohibits specified actions relating to transmission of false or misleading unsolicited commercial electronic mail messages; providing applicability; creating part IV of ch. 668, F.S.; providing a short title; providing definitions; prohibiting certain acts relating to fraudulent use or possession of identifying information; authorizing civil actions for violations; providing for injunctive relief and damages; authorizing courts to increase awards of actual damages under certain circumstances; providing for recovery of attorney’s fees and court costs; providing for jurisdiction and venue; providing for deposit of certain moneys received by the Attorney General into the Legal Affairs Revolving Trust Fund; authorizing the Department of Legal Affairs to adopt rules; providing for nonapplication to certain entities’ good faith handling of identifying information; specifying the absence of liability for certain actions taken to prevent certain violations; providing an effective date.

—as amended April 19 was read the third time by title.

On motion by Senator Aronberg, **CS for CS for SB 80** as amended was passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Dockery, Wilson

**SB 1282**—A bill to be entitled An act relating to K-8 virtual schools; establishing the K-8 Virtual School Program within the Department of Education; providing requirements for schools to be eligible to participate in the program; authorizing participating schools to be for-profit or nonprofit entities; providing a procedure by which schools can apply to participate in the program; requiring that the application and approval process be available by a specified time; requiring that instructional personnel have Florida teaching certificates; requiring participating school personnel to undergo certain background screening required by law; requiring education plans to conform to the Sunshine State Standards; requiring school applicants to provide a 3-year financial plan; requiring the department to act on school applications within 90 days; providing for 3-year contracts for approved schools; authorizing contract renewals; designating participating schools as independent schools; requiring participating schools to provide each student with the equipment, materials, and services necessary to receive instruction; authorizing the current virtual school pilot programs to continue operation through the 2006-2007 school year; requiring pilot schools to meet all

application requirements in order to operate beyond the 2006-2007 school year; providing eligibility requirements for students; requiring that enrolled students meet the requirements for compulsory attendance; requiring verification of student attendance; requiring enrolled students to participate in the state assessment program; requiring that funding for the program be established annually in the General Appropriations Act; providing a payment schedule to participating schools; requiring schools to participate in the statewide assessment program; requiring that schools be subject to the school grading system; requiring improvement plans for low-performing schools; requiring contract termination for continued low performance; providing causes for nonrenewal or termination of a school contract; requiring nonrenewed or terminated schools to be responsible for debt; authorizing students of a terminated school to attend other public schools; requiring the State Board of Education to adopt rules to administer the program; providing an effective date.

—was read the third time by title.

On motion by Senator Carlton, **SB 1282** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

**CS for SB 274**—A bill to be entitled An act relating to defibrillators in state parks; creating s. 258.0165, F.S.; encouraging state parks to have a functioning automated external defibrillator; requiring training, maintenance, and location registration; providing immunity from liability under the Good Samaritan Act and the Cardiac Arrest Survival Act; authorizing the Division of Recreation and Parks to adopt rules; providing an appropriation; providing an effective date.

—was read the third time by title.

On motion by Senator Jones, **CS for SB 274** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

**CS for CS for SB 250**—A bill to be entitled An act relating to the prosecution of human trafficking; amending s. 787.06, F.S.; providing legislative findings and intent; defining the term “financial harm”; redefining the term “forced labor or services” to include circumstances in-

volving the use of fraud or coercion against a person, the use of certain debt practices, and the destruction, concealing, or withholding of a person's identification documents; providing for attempted human trafficking to be an equal crime to human trafficking; prohibiting knowingly benefiting financially or receiving anything of value from human trafficking when the trafficked person engages in forced labor or services; providing criminal penalties; amending s. 772.102, F.S.; expanding the definition of the term "criminal activity" to include the offense of human trafficking and the offense of sex trafficking for purposes of seeking civil remedies for criminal offenses; amending s. 772.104, F.S.; revising a civil cause of action relating to injuries by reason of criminal activity; providing for alternative damages for violations relating to sex trafficking and human trafficking; amending s. 895.02, F.S.; redefining the term "racketeering activity" to include the offense of human trafficking for purposes of the Florida RICO Act; amending s. 16.56, F.S.; authorizing the Office of the Statewide Prosecution to prosecute any offense involving human trafficking; reenacting ss. 655.50(3)(g), 896.101(2)(g), and 905.34, F.S., relating to the definition of "specified unlawful activity" in a law prohibiting money laundering in financial institutions and in the Florida Money Laundering Act, and the subject matter jurisdiction of a state-wide grand jury, to incorporate the amendments made to s. 895.02, F.S., in references thereto; providing an effective date.

—as amended April 19 was read the third time by title.

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

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Atwater

**SB 346**—A bill to be entitled An act relating to workers' compensation for first responders; creating s. 112.1815, F.S.; providing a definition of the term "first responder"; providing a standard of proof for first responders with an injury or disease caused by exposure to a toxic substance; providing that any adverse result or complication relating to smallpox vaccinations is an injury by accident arising out of employment for first responders; providing a standard of proof for first responders in cases involving occupational disease; providing for the continuation of permanent total supplemental benefits after the age of 62 for certain first responders; providing a method for determining attorney's fees for first responders in cases involving exposure to toxic substances or occupational diseases; providing a definition of the term "occupational disease"; providing that the act fulfills an important state interest; providing an effective date.

—was read the third time by title.

On motion by Senator Alexander, **SB 346** was passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Bennett	Constantine
Alexander	Bullard	Crist
Argenziano	Campbell	Diaz de la Portilla
Aronberg	Carlton	Dockery
Atwater	Clary	Fasano

Garcia	Margolis	Sebesta
Geller	Miller	Siplin
Haridopolos	Peaden	Smith
Hill	Posey	Webster
King	Pruitt	Wilson
Lawson	Rich	Wise
Lynn	Saunders	

Nays—None

Vote after roll call:

Yea—Baker, Jones, Villalobos

**CS for CS for SB 1542**—A bill to be entitled An act relating to the Public Counsel; amending s. 350.0611, F.S.; providing additional authority to the Public Counsel, including the authority to provide legal representation to, and to appear on behalf of, the state and its political subdivisions as consumers of communications services and utility services, to receive, investigate, and take legal action upon complaints involving communications services not within the jurisdiction of the Public Service Commission, to appear before state and federal agencies to enhance terms and conditions of utility and communications services, and to analyze and report on pending legislation relevant to utility and communications services; providing an effective date.

—was read the third time by title.

On motion by Senator Constantine, **CS for CS for SB 1542** was passed and certified to the House. The vote on passage was:

Yeas—37

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	Lawson	Webster
Clary	Lynn	Wise
Constantine	Margolis	
Crist	Miller	

Nays—None

**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.

—as amended April 19 was read the third time by title.

On motion by Senator Baker, **HB 155** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Bullard	Dockery
Alexander	Campbell	Fasano
Argenziano	Carlton	Garcia
Aronberg	Clary	Geller
Atwater	Constantine	Haridopolos
Baker	Crist	Hill
Bennett	Diaz de la Portilla	Jones

King	Posey	Villalobos
Lawson	Pruitt	Webster
Lynn	Rich	Wilson
Margolis	Saunders	Wise
Miller	Siplin	
Peaden	Smith	

Nays—None

Vote after roll call:

Yea—Sebesta

**CS for SB 174**—A bill to be entitled An act relating to theft of property; amending s. 812.13, F.S.; providing that if an offender threatens to use a weapon or firearm during the course of a robbery, the offender commits a felony of the first degree; providing for penalties; reenacting s. 921.0022(3), (f), (h), and (i), F.S., relating to the offense severity ranking chart of the Criminal Punishment Code, to incorporate the amendment to s. 812.13, F.S., in references thereto; providing an effective date.

—was read the third time by title.

On motion by Senator Rich, **CS for SB 174** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Consideration of **CS for CS for SB 214** was deferred.

On motion by Senator Garcia, by two-thirds vote **HB 7161** was withdrawn from the Committees on Governmental Oversight and Productivity; and Rules and Calendar.

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

**HB 7161**—A bill to be entitled An act relating to a public records exemption for alternative investments; amending s. 215.44, F.S.; providing definitions; defining “proprietary confidential business information” and specifying information which does not constitute proprietary confidential business information; creating an exemption from public records requirements for proprietary confidential business information held by the State Board of Administration regarding alternative investments; providing for limited duration of the exemption; providing for retroactive application of the exemption; authorizing the inspection and copying of confidential and exempt records if the proprietor of the information fails to verify that a record contains certain information within a specified period of time; authorizing a court to order the release of confidential and exempt records upon making certain findings; providing for future review and repeal; providing a statement of public necessity; providing an effective date.

—a companion measure, was substituted for **CS for SB 1308** as amended and by two-thirds vote read the second time by title. On motion by Senator Garcia, by two-thirds vote **HB 7161** was read the third time by title, passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

**CS for CS for SB 214**—A bill to be entitled An act relating to dart-firing stun guns; amending s. 790.001, F.S.; defining the term “dart-firing stun gun” for purposes of ch. 790, F.S., relating to weapons and firearms; deleting the definition of the term “remote stun gun”; amending ss. 790.01 and 790.053, F.S., relating to the carrying of concealed weapons and the open carrying of weapons; conforming provisions to the change in the definition made by the act to authorize the carrying of a dart-firing stun gun for purposes of lawful self-defense; amending s. 790.054, F.S.; providing that it is a third-degree felony to use a dart-firing stun gun against an on-duty law enforcement officer; creating s. 943.1717, F.S.; providing circumstances during which law enforcement, correctional, and correctional probation officers may employ a dart-firing stun gun; requiring the Criminal Justice Standards and Training Commission to establish standards for instruction in the use of dart-firing stun guns; requiring that a minimum number of hours in such training be included in the basic-skills course required for certain certifications; requiring certain officers who have not received training in the use of dart-firing stun guns and who are authorized to carry dart-firing stun guns to receive training; requiring annual training for certain officers; providing an effective date.

—was read the third time by title.

**MOTION**

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

Senator Siplin moved the following amendment:

**Amendment 1 (132694)(with title amendment)**—On page 5, between lines 8 and 9, insert:

Section 6. *The sum of \$200,000 is appropriated from nonrecurring general revenue to the Department of Health for the purpose of undertaking an ongoing study of the medical effects on victims upon whom a dart-firing stun gun has been used and providing the Legislature with a written report concerning these medical effects on students upon whom a dart-firing stun gun was used between January 1, 2001, and August 1, 2006.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 31, after the semicolon (;) insert: providing an appropriation;

**POINT OF ORDER**

Senator Villalobos raised a point of order that pursuant to Rule 4.8 the bill should be referred to the Committee on Ways and Means.

The President referred the point of order and the amendment to Senator Pruitt, Chair of the Committee on Rules and Calendar.

On motion by Senator Wise, further consideration of **CS for CS for SB 214** with pending **Amendment 1 (132694)** and pending point of order was deferred.

**HB 5025**—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.

—was read the third time by title.

On motion by Senator Argenziano, **HB 5025** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

**CS for SB 1540**—A bill to be entitled An act relating to veterinary drug distribution; amending s. 499.006, F.S.; providing that a drug is adulterated if it is a certain prescription drug that has been returned by a veterinarian to a limited prescription drug veterinary wholesaler; amending s. 499.01, F.S.; requiring a limited prescription drug veterinary wholesaler to obtain a permit for operation from the Department of Health; providing that a permit for a limited prescription drug veterinary wholesaler may not be issued to the address of certain health care entities; amending s. 499.012, F.S.; revising permit requirements for a veterinary prescription drug wholesaler that distributes prescription drugs; establishing a permit for a limited prescription drug veterinary wholesaler; providing requirements; providing an exception; amending s. 499.0122, F.S.; redefining the term “veterinary legend drug retail establishment”; amending s. 499.041, F.S.; requiring the department to assess an annual fee within a certain monetary range for a limited prescription drug veterinary wholesaler permit; amending s. 499.065, F.S.; requiring the department to inspect each limited prescription drug veterinary wholesaler establishment; authorizing the department to determine that a limited prescription drug veterinary wholesaler establishment is an imminent danger to the public; providing an effective date.

—was read the third time by title.

On motion by Senator Baker, **CS for SB 1540** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

**SB 694**—A bill to be entitled An act relating to secondhand dealers; amending s. 538.03, F.S.; revising definitions; revising the applicability of ch. 538, F.S.; exempting persons or entities offering secondhand goods or personal property for sale, purchase, consignment, or trade via the Internet from the provisions of ch. 538, F.S., under certain circumstances; exempting certain businesses that sell, rent, or trade motion picture videos or video games from ch. 538, F.S.; amending s. 538.04, F.S.; revising recordkeeping requirements for secondhand dealers; providing penalties for knowingly giving false verification of ownership or a false or altered identification, and for receiving money from a secondhand dealer for goods sold, consigned, or traded if the value of the money received is less than \$300, and if the value of the money received is \$300 or more; providing for the electronic transfer of secondhand dealer transactions under specified circumstances; authorizing appropriate law enforcement agencies to provide a secondhand dealer with a computer and other equipment necessary to electronically transfer secondhand dealer transactions; providing procedures with respect to the electronic transfer of secondhand dealer transactions; amending s. 538.05, F.S.; revising provisions relating to the inspection of records and premises of secondhand dealers; amending s. 538.06, F.S.; revising provisions with respect to the holding of goods upon probable cause that the goods are stolen; providing for payment of restitution, attorney’s fees, and costs to a secondhand dealer under specified circumstances; increasing the time limit for maintenance of transaction records by dealers in secondhand property; amending s. 538.07, F.S.; revising provisions relating to restitution for stolen property recovered from a secondhand dealer; amending s. 538.09, F.S.; revising provisions with respect to registration as a secondhand dealer; revising conditions under which registration may be denied, revoked, restricted, or suspended by the Department of Revenue; repealing s. 538.16, F.S., relating to disposal of property by secondhand dealers; amending s. 516.02, F.S.; removing cross-references; reenacting s. 790.335(3)(f), F.S., which provides a second-degree-felony penalty for any secondhand dealer who contracts with a specified third-party provider or electronically transmits certain records of firearms transactions to any third-party provider; providing an effective date.

—was read the third time by title.

On motion by Senator Crist, **SB 694** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Consideration of **CS for SB 1418** was deferred.

**SB 374**—A bill to be entitled An act relating to the area health education center network; amending s. 381.0402, F.S.; requiring the Department of Health to cooperate with specified medical schools in maintaining and evaluating the network; expanding the purposes of the network; requiring the department to contract with the medical schools to provide funds to the network; providing that the persons to be served by the network are “medically underserved populations” rather than “low-income people”; requiring that the center assist in linking the provision of primary care services to medically underserved populations and to provide for the education of students in the health care professions and health care providers serving medically underserved populations, as well as medical students, interns, and residents; amending s. 381.0405, F.S.; providing that the Office of Rural Health is responsible for state

coordination of federal rural hospital and rural health care grant programs; deleting obsolete provisions; creating s. 381.0409, F.S.; authorizing the Department of Health to coordinate with the Federal Government in carrying out certain activities relating to the recruitment and placement of health practitioners in medically underserved areas; providing an effective date.

—was read the third time by title.

On motion by Senator Peaden, **SB 374** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

The Senate resumed consideration of—

**CS for CS for SB 214**—A bill to be entitled An act relating to dart-firing stun guns; amending s. 790.001, F.S.; defining the term “dart-firing stun gun” for purposes of ch. 790, F.S., relating to weapons and firearms; deleting the definition of the term “remote stun gun”; amending ss. 790.01 and 790.053, F.S., relating to the carrying of concealed weapons and the open carrying of weapons; conforming provisions to the change in the definition made by the act to authorize the carrying of a dart-firing stun gun for purposes of lawful self-defense; amending s. 790.054, F.S.; providing that it is a third-degree felony to use a dart-firing stun gun against an on-duty law enforcement officer; creating s. 943.1717, F.S.; providing circumstances during which law enforcement, correctional, and correctional probation officers may employ a dart-firing stun gun; requiring the Criminal Justice Standards and Training Commission to establish standards for instruction in the use of dart-firing stun guns; requiring that a minimum number of hours in such training be included in the basic-skills course required for certain certifications; requiring certain officers who have not received training in the use of dart-firing stun guns and who are authorized to carry dart-firing stun guns to receive training; requiring annual training for certain officers; providing an effective date.

—which was previously considered this day.

**POINT OF ORDER DISPOSITION**

The pending point of order by Senator Villalobos and pending **Amendment 1 (132694)** by Senator Siplin were withdrawn.

**MOTION**

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

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

**Amendment 2 (692640)(with title amendment)**—On page 5, between lines 8 and 9, insert:

Section 6. (1) *When a school resource officer or law enforcement officer uses a dart-firing stun gun on the grounds of an elementary school to subdue a public school student, such officer shall provide the Department of Law Enforcement with a written report of:*

- (a) *The circumstances leading to the use of the dart-firing stun gun;*
- (b) *The age, gender, and race of the student; and*
- (c) *The apparent effects of the use of the dart-firing stun gun on the student.*

(2) *The Department of Law Enforcement shall maintain the reports submitted pursuant to subsection (1) and make such records available to the Department of Health upon request.*

(3) *Using the records submitted pursuant to subsection (1) and other available information, the Department of Health shall undertake an ongoing study of the medical effects on the students upon whom a dart-firing stun gun has been used. On December 1, 2006, the department shall provide the Legislature with a written report concerning the medical effects on students upon whom a dart-firing stun gun was used between January 1, 2001, and August 1, 2006.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 31, after the semicolon (;) insert: requiring a school resource officer or law enforcement officer to make certain reports concerning the use of a dart-firing stun gun; requiring the Department of Law Enforcement to maintain the reports and provide them to the Department of Health upon request; requiring the Department of Health to conduct an ongoing study of the medical effects concerning certain uses of dart-firing stun guns; requiring a report to the Legislature;

On motion by Senator Wise, **CS for CS for SB 214** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

**CS for SB 1670**—A bill to be entitled An act relating to state financial matters; amending s. 121.4501, F.S.; revising the method for calculating interest on certain moneys transferred between retirement accounts; providing for credit for military service of members of the Public Employee Optional Retirement Program; amending s. 121.591, F.S.; prescribing procedures to follow if a participant in the Public Employee Optional Retirement Program receives an invalid distribution; amending s. 215.47, F.S.; revising standards for determining eligibility of specified savings accounts, certificates of deposit, time drafts, bills of exchange, bonds, notes, and other instruments for investment by the State Board of Administration; amending s. 1002.36, F.S.; conforming a cross-reference; providing an effective date.

—was read the third time by title.

On motion by Senator Garcia, **CS for SB 1670** was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Baker	Clary
Alexander	Bennett	Constantine
Argenziano	Bullard	Crist
Aronberg	Campbell	Diaz de la Portilla
Atwater	Carlton	Dockery

Fasano	Lynn	Siplin
Garcia	Margolis	Smith
Geller	Miller	Villalobos
Haridopolos	Peaden	Webster
Hill	Posey	Wilson
Jones	Pruitt	Wise
King	Rich	
Lawson	Saunders	
Nays—None		

**THE PRESIDENT PRESIDING**

**HB 521**—A bill to be entitled An act relating to probate; amending s. 655.935, F.S.; revising procedures relating to opening a decedent’s safe-deposit box; amending s. 655.936, F.S.; revising procedures relating to delivery of a decedent’s safe-deposit box by lessor; amending s. 655.937, F.S.; revising procedures relating to granting access to safe-deposit boxes leased in two or more names; amending s. 732.2135, F.S.; revising provisions relating to time of filing or withdrawing certain estate share elections; amending s. 732.402, F.S.; revising procedures relating to filing petitions for determinations of exempt property; amending s. 733.212, F.S.; revising procedures and requirements relating to notices of administration and petitions for relief; amending s. 733.6065, F.S.; revising procedures relating to the opening of a safe-deposit box leased or co-leased by decedent; providing an effective date.

—was read the third time by title.

On motion by Senator Aronberg, **HB 521** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

**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.

—was read the third time by title.

On motion by Senator Peaden, **CS for SB 1922** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

**CS for SB 1042**—A bill to be entitled An act relating to the Florida Retirement System; creating s. 121.047, F.S.; consolidating the operation of the Institute of Food and Agricultural Sciences Supplemental Retirement Program under the Florida Retirement System; providing for assumption of program liabilities and obligations; abolishing the Institute of Food and Agricultural Sciences Supplemental Retirement

Trust Fund; barring program participants from membership in the Florida Retirement System; amending s. 121.40, F.S., relating to the establishment and administration of the Institute of Food and Agricultural Sciences Supplemental Retirement Program; conforming provisions to changes made by the act; redefining the term "trust fund" for purposes of administering the program; providing a rate of monthly contributions; removing provisions relating to investments of the program trust fund; providing a legislative finding that the act fulfills an important state interest; providing an effective date.

—was read the third time by title.

On motion by Senator Argenziano, **CS for SB 1042** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

**CS for CS for SB 428**—A bill to be entitled An act relating to per diem and travel expenses; amending s. 112.061, F.S.; revising per diem, subsistence, and mileage rates for purposes of reimbursement of travel expenses of public officers, employees, and authorized persons; providing an appropriation; providing an effective date.

—was read the third time by title.

On motion by Senator Lawson, **CS for CS for SB 428** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

**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.

—was read the third time by title.

On motion by Senator Atwater, **CS for CS for SB 1678** was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Atwater

On motion by Senator Peaden, by two-thirds vote **HB 7051** was withdrawn from the Committees on Health Care; and Health and Human Services Appropriations.

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

**HB 7051**—A bill to be entitled An act relating to certificates of need; transferring, renumbering, and amending s. 651.1185, F.S.; extending the moratorium on certificates of need for additional community nursing home beds until July 1, 2011; specifying nonapplication of a moratorium for the addition of nursing home beds in certain specified facilities; providing requirements and limitations; providing for repeal upon expiration of the moratorium; amending s. 408.036, F.S.; exempting a nursing home that is created by combining certain licensed beds from requirements for obtaining a certificate of need from the Agency for Health Care Administration; amending s. 408.040, F.S.; authorizing nursing homes in certain counties to request a reduction in their annual Medicaid patient days; requiring the Agency for Health Care Administration to automatically grant such a request if the nursing home meets certain conditions; providing for future repeal; providing an effective date.

—a companion measure, was substituted for **CS for SB 790** as amended and by two-thirds vote read the second time by title. On motion by Senator Peaden, by two-thirds vote **HB 7051** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Bullard, Constantine, Smith

**CS for SB 792**—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 213.053, F.S.,

relating to an exemption from public-records requirements for information contained in returns, accounts, or declarations received by the Department of Revenue pursuant to ch. 202, F.S.; making organizational and grammatical changes; saving the exemption from repeal under the Open Government Sunset Review Act; deleting provisions that provide for the repeal of the exemption; amending ss. 202.37, 206.27, 409.2577, 607.0130, 608.703, 617.01301, and 896.102, F.S.; conforming cross-references; providing an effective date.

—was read the third time by title.

On motion by Senator Atwater, **CS for SB 792** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Consideration of **CS for CS for SB 1488** was deferred.

**HB 487**—A bill to be entitled An act relating to the Commission for the Transportation Disadvantaged; amending s. 427.012, F.S.; revising the membership of the commission; establishing term limits; directing each member of the commission to serve without regional bias; providing qualifications for appointment to membership on the commission; providing for nonvoting advisory members; requiring candidates for appointment to the commission to meet certain standards for background screening; requiring the Department of Transportation to inform the commission if a candidate fails to meet the screening standards; providing that costs of screening be borne by the department or the candidate for appointment; authorizing the commission to appoint technical working groups; providing for membership of the working groups; amending s. 427.013, F.S.; requiring the commission to develop a transportation fund allocation methodology for certain purposes; specifying methodology criteria; preserving Agency for Health Care Administration authority to distribute Medicaid funds; providing an effective date.

—was read the third time by title.

On motion by Senator Constantine, **HB 487** was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Miller

**SB 1948**—A bill to be entitled An act relating to disclosures in connection with the sale of coastal property; amending s. 161.57, F.S.; revising requirements for the disclosures that must be provided by a seller of coastal property to the purchaser; providing that failure to deliver a disclosure, affidavit, or survey does not create a right of rescission or impair title to the property; providing an effective date.

—was read the third time by title.

On motion by Senator Smith, **SB 1948** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

**CS for CS for SB 2188**—A bill to be entitled An act relating to mediation; 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. 44.108, 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.

—was read the third time by title.

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

**Amendment 1 (311686)**—On page 3, lines 13 and 14, delete those lines and insert:

20. *Alimony.*

21. *Modification and enforcement of orders entered in matters listed in this paragraph.*

On motion by Senator Campbell, **CS for CS for SB 2188** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

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

Smith Webster Wise  
 Villalobos Wilson  
 Nays—None

Smith Webster Wise  
 Villalobos Wilson  
 Nays—None

Vote after roll call:

Yea—Alexander, Bennett

Consideration of **CS for CS for SB 1958** was deferred.

**CS for SB's 1086 and 1604**—A bill to be entitled An act relating to building designations; designating a building located at the University of South Florida St. Petersburg as “H. William Heller Hall”; directing the University of South Florida St. Petersburg to erect suitable markers; designating a building in Lee County as the Joseph P. D’Alessandro Office Complex; directing the Department of Management Services to erect suitable markers; designating the John M. McKay Visitors Pavilion at the John and Mabel Ringling Museum of Art at the Florida State University Center for Cultural Arts; designating the Reubin O’D. Askew Student Life Center, the Sherrill Williams Ragans Hall, the John Thrasher Building, the Mike Martin Field at Dick Howser Stadium, and the JoAnne Graf Softball Field at Florida State University; authorizing Florida State University to erect markers; designating the Powell Family Structures and Materials Laboratory, the Steinbrenner Band Hall, the Jim and Alexis Pugh Hall, and the L. E. “Red” Larson Dairy Science Building at the University of Florida; directing the University of Florida to erect suitable markers; designating the Kleist Health Education Center, the Herbert J. Sugden Hall, Holmes Hall, and Lutgert Hall at Florida Gulf Coast University; directing Florida Gulf Coast University to erect suitable markers; designating the new alumni center at the Boca Raton campus of Florida Atlantic University as the “Marleen and Harold Forkas Alumni Center”; directing Florida Atlantic University to erect suitable markers; designating the art museum at the University Park campus of Florida International University as the “Patricia and Phillip Frost Art Museum”; directing Florida International University to erect suitable markers; designating the John S. Curran, M.D., Children’s Health Center at the University of South Florida; directing the University of South Florida to erect suitable markers; designating the Florida Center for Solid and Hazardous Waste Management as the “William W. ‘Bill’ Hinkley Center for Solid and Hazardous Waste Management”; directing the Department of Environmental Protection to erect suitable markers; designating the FAMU-FSU College of Engineering Building as the “Herbert F. Morgan Building”; authorizing Florida Agricultural and Mechanical University and Florida State University to erect markers; designating the School of Business and Industry Building at Florida Agricultural and Mechanical University as the “Sybil C. Mobley Business Building”; providing for the erection of markers; designating the Allied Health Building at Florida Agricultural and Mechanical University as the “Margaret W. Lewis/Jacqueline B. Beck Allied Health Building”; providing for the erection of markers; designating the Architecture Building at Florida Agricultural and Mechanical University as the “Walter L. Smith Architecture Building”; providing for the erection of markers; designating the Archives Building at Florida Agricultural and Mechanical University as the “Carrie Meek/James N. Eaton, Sr., Southeastern Regional Black Archives Research Center and Museum”; designating the Multipurpose Classroom Building Number 46 at the University of North Florida as “Hodges Stadium”; authorizing the University of North Florida to erect markers; providing effective dates.

—was read the third time by title.

On motion by Senator Jones, **CS for SB's 1086 and 1604** was passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Crist	Lawson
Argenziano	Diaz de la Portilla	Lynn
Aronberg	Dockery	Margolis
Atwater	Fasano	Miller
Baker	Garcia	Peaden
Bullard	Geller	Posey
Campbell	Haridopolos	Pruitt
Carlton	Hill	Rich
Clary	Jones	Saunders
Constantine	King	Sebesta

**SB 1386**—A bill to be entitled An act relating to youthful offenders; amending s. 958.045, F.S.; deleting a provision limiting certain sentencing options available to the court following a violation of the conditions of probation by a youthful offender; providing an effective date.

—was read the third time by title.

On motion by Senator Wise, **SB 1386** was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Lynn

**CS for CS for SB 1212**—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 403.067, F.S., relating to an exemption from public-records requirements provided for individual agricultural records of processes, methods of production, and costs which are not otherwise public records and which are reported to the Department of Agriculture and Consumer Services; saving the exemption from repeal under the Open Government Sunset Review Act; deleting provisions providing for the repeal of the exemption; providing an effective date.

—was read the third time by title.

On motion by Senator Smith, **CS for CS for SB 1212** was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Campbell

**HB 1167**—A bill to be entitled An act relating to sexual predators; creating s. 794.075, F.S.; prohibiting a sexual predator from possessing prescription erectile dysfunction drugs in certain circumstances; providing criminal penalties; providing an effective date.

—was read the third time by title.

On motion by Senator Baker, **HB 1167** was passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Crist, Hill, Pruitt

Consideration of **CS for SB 764** was deferred.

**SPECIAL ORDER CALENDAR**

On motion by Senator Argenziano—

**CS for 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 Secretary of Management Services to appoint an executive director; 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; amending s. 119.071, F.S.; deleting a cross-reference; defining the term “commercial activity” for purposes

of a provision authorizing the release of social security numbers; providing an effective date.

—was read the second time by title.

Senator Argenziano moved the following amendments which were adopted:

**Amendment 1 (885336)**—On page 9, line 17, following the comma (,) insert: *descriptions of performance results as applicable, any contract violations or project slippages,*

**Amendment 2 (271942)**—On page 10, line 29, delete “the center,”

**Amendment 3 (533758)**—On page 16, line 24 through page 17, line 4, delete those lines and insert:

*(k) A provision that addresses ownership of intellectual property. This paragraph does not provide the specific authority needed by an agency to obtain a copyright or trademark.*

(Redesignate subsequent paragraphs.)

Pursuant to Rule 4.19, **CS for CS for SB 2518** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Bennett—

**CS for SB 1342**—A bill to be entitled An act relating to disabled veterans; amending s. 295.16, F.S.; expanding an exemption from certain fees relating to structural improvements to a disabled veteran’s residence; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1342** was placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

**CS for CS for SB 1080**—A bill to be entitled An act relating to child protective services; amending s. 39.01, F.S.; revising definitions relating to child protective services; amending s. 39.0121, F.S.; authorizing the Department of Children and Family Services to adopt rules for sharing information contained in a child’s case plan with the custodian and family services counselor; amending s. 39.013, F.S.; removing provisions relating to continuances; creating s. 39.0136, F.S.; providing for time limitations in child protective cases; providing exceptions; creating s. 39.0137; providing that state laws do not supersede certain federal laws; requiring the Department of Children and Family Services to adopt rules; creating s. 39.0138, F.S.; authorizing the department to conduct criminal background record checks of persons being considered as prospective foster parents; providing that a court may review the granting or denial of the placement of a child based upon a criminal offense; providing that the person seeking placement of a child has the burden of setting forth evidence that he or she will not endanger the child if placement is allowed; amending s. 39.201, F.S.; requiring that any person who knows or suspects that a child is in need of supervision and care and has no parent, legal custodian, or responsible adult relative immediately known and available to provide supervision and care, must report this information to the central abuse hotline of the Department of Children and Family Services; amending s. 39.301, F.S.; providing that the department may rely upon a previous report to indicate that child abuse has occurred; redefining the term “criminal conduct” to include a child who is known or suspected to be a victim of human trafficking; requiring each child protective investigator to inform the person who is the subject of a child protective investigation that he or she has a duty to report any change in the residence or location of the child to the investigator and that the duty to report continues until the investigation is closed; providing that if the child has moved to a different residence or location, a report may be filed with a law enforcement agency under certain circumstances; amending 39.303, F.S.; conforming provisions to changes made by the act; amending s. 39.402, F.S.; requiring that a shelter hearing order contain specified information relating to the availability of services to prevent removal from the home; amending s. 39.507, F.S.; requiring the court to inquire of the parents whether the parents have

relatives who might be considered as a placement for the child; requiring that the court advise the parents that if they fail to comply with the case plan their parental rights may be terminated; amending s. 39.5085, F.S.; conforming provisions to changes made by the act; correcting cross-references; amending s. 39.521, F.S.; clarifying circumstances under which transferring custody to an adult relative must be considered; amending s. 39.522, F.S.; requiring the court to consider the continuity of the child's placement in the same out-of-home residence as a factor when determining the best interests of the child in a postdisposition proceeding to modify custody; creating s. 39.6011, F.S.; providing procedures for drafting and implementing a case plan; requiring the department to prepare a case plan for each child receiving services from the department; requiring certain face-to-face meetings; creating s. 39.6012, F.S.; providing for case plan tasks and services; providing the content for the case plan; creating s. 39.6013, F.S.; providing for amendments to a case plan; describing the circumstance under which a case plan may be modified; amending s. 39.603, F.S.; requiring that case plans and amendments be approved by the court; amending s. 39.621, F.S.; declaring that time is of the essence for a child in the dependency system; providing prehearing procedures; providing for permanency hearings; directing the court to make certain findings at the permanency hearing; creating s. 39.6221, F.S.; providing for the permanent guardianship for a dependent child; authorizing the court to consider a permanent guardian as a long-term option for a dependent child; requiring a written order; providing for the contents of the permanent guardianship order; creating s. 39.6231, F.S.; providing for placement with a fit and willing relative; requiring the court to specify the reasons to place a child with a relative; providing for the department to supervise the placement for a specified time period; creating s. 39.6241, F.S.; authorizing the court to place a child in another planned permanent living arrangement under certain circumstances; amending s. 39.701, F.S.; requiring that a child's current health and education records be included in the documentation for the judicial review report; requiring the court to conduct a judicial review 6 months after the child was placed in shelter care; amending s. 39.703, F.S.; providing when the department may file a petition for termination of parental rights; providing that the department may choose not to file a petition under certain specified circumstances; amending s. 39.806, F.S.; authorizing a material breach of the case plan as a ground to terminate parental rights; requiring that the department show, and the court find, the material breach by clear and convincing evidence; amending s. 39.810, F.S.; providing certain factors for the court to consider for the best interest of the child; amending s. 39.811, F.S.; conforming provisions to changes made by the act; amending ss. 39.0015, 39.205, 39.302, 39.828, 63.092, and 419.001, F.S.; correcting cross-references; reenacting s. 39.802(5), F.S., relating to the filing of a petition to terminate parental rights, to incorporate the amendments made to s. 39.806, F.S., in a reference thereto; repealing ss. 39.601, 39.622, 39.623, 39.624, and 435.045, F.S., relating to case plan requirements, long-term custody of a dependent child, long-term licensed custody of a dependent child, independent living, and background screening of certain persons before a dependent child is placed in their home; providing an effective date.

—was read the second time by title.

Senator Campbell moved the following amendments which were adopted:

**Amendment 1 (085974)**—On page 12, line 27 through page 23, line 19, delete those lines and insert:

(30)(29) "Foster care" means care provided a child in a foster family or boarding home, group home, agency boarding home, child care institution, or any combination thereof.

(31)(30) "Harm" to a child's health or welfare can occur when any person:

(a) Inflicts or allows to be inflicted upon the child physical, mental, or emotional injury. In determining whether harm has occurred, the following factors must be considered in evaluating any physical, mental, or emotional injury to a child: the age of the child; any prior history of injuries to the child; the location of the injury on the body of the child; the multiplicity of the injury; and the type of trauma inflicted. Such injury includes, but is not limited to:

1. Willful acts that produce the following specific injuries:

- a. Sprains, dislocations, or cartilage damage.
- b. Bone or skull fractures.
- c. Brain or spinal cord damage.
- d. Intracranial hemorrhage or injury to other internal organs.
- e. Asphyxiation, suffocation, or drowning.
- f. Injury resulting from the use of a deadly weapon.
- g. Burns or scalding.
- h. Cuts, lacerations, punctures, or bites.
- i. Permanent or temporary disfigurement.
- j. Permanent or temporary loss or impairment of a body part or function.

As used in this subparagraph, the term "willful" refers to the intent to perform an action, not to the intent to achieve a result or to cause an injury.

2. Purposely giving a child poison, alcohol, drugs, or other substances that substantially affect the child's behavior, motor coordination, or judgment or that result in sickness or internal injury. For the purposes of this subparagraph, the term "drugs" means prescription drugs not prescribed for the child or not administered as prescribed, and controlled substances as outlined in Schedule I or Schedule II of s. 893.03.

3. Leaving a child without adult supervision or arrangement appropriate for the child's age or mental or physical condition, so that the child is unable to care for the child's own needs or another's basic needs or is unable to exercise good judgment in responding to any kind of physical or emotional crisis.

4. Inappropriate or excessively harsh disciplinary action that is likely to result in physical injury, mental injury as defined in this section, or emotional injury. The significance of any injury must be evaluated in light of the following factors: the age of the child; any prior history of injuries to the child; the location of the injury on the body of the child; the multiplicity of the injury; and the type of trauma inflicted. Corporal discipline may be considered excessive or abusive when it results in any of the following or other similar injuries:

- a. Sprains, dislocations, or cartilage damage.
- b. Bone or skull fractures.
- c. Brain or spinal cord damage.
- d. Intracranial hemorrhage or injury to other internal organs.
- e. Asphyxiation, suffocation, or drowning.
- f. Injury resulting from the use of a deadly weapon.
- g. Burns or scalding.
- h. Cuts, lacerations, punctures, or bites.
- i. Permanent or temporary disfigurement.
- j. Permanent or temporary loss or impairment of a body part or function.
- k. Significant bruises or welts.

(b) Commits, or allows to be committed, sexual battery, as defined in chapter 794, or lewd or lascivious acts, as defined in chapter 800, against the child.

(c) Allows, encourages, or forces the sexual exploitation of a child, which includes allowing, encouraging, or forcing a child to:

1. Solicit for or engage in prostitution; or
2. Engage in a sexual performance, as defined by chapter 827.

(d) Exploits a child, or allows a child to be exploited, as provided in s. 450.151.

(e) Abandons the child. Within the context of the definition of “harm,” the term “abandons the child” means that the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the person responsible for the child’s welfare, while being able, makes no provision for the child’s support and makes no effort to communicate with the child, which situation is sufficient to evince a willful rejection of parental obligation. If the efforts of ~~the such a~~ parent or legal custodian or person primarily responsible for the child’s welfare to support and communicate with the child are only marginal efforts that do not evince a settled purpose to assume all parental duties, the child may be determined to have been abandoned. The term “abandoned” does not include an abandoned newborn infant as described in s. 383.50.

(f) Neglects the child. Within the context of the definition of “harm,” the term “neglects the child” means that the parent or other person responsible for the child’s welfare fails to supply the child with adequate food, clothing, shelter, or health care, although financially able to do so or although offered financial or other means to do so. However, a parent or legal custodian who, by reason of the legitimate practice of religious beliefs, does not provide specified medical treatment for a child may not be considered abusive or neglectful for that reason alone, but such an exception does not:

1. Eliminate the requirement that such a case be reported to the department;
2. Prevent the department from investigating such a case; or
3. Preclude a court from ordering, when the health of the child requires it, the provision of medical services by a physician, as defined in this section, or treatment by a duly accredited practitioner who relies solely on spiritual means for healing in accordance with the tenets and practices of a well-recognized church or religious organization.

(g) Exposes a child to a controlled substance or alcohol. Exposure to a controlled substance or alcohol is established by:

1. Use by the mother of a controlled substance or alcohol during pregnancy when the child, at birth, is demonstrably adversely affected by such usage; or
2. Continued chronic and severe use of a controlled substance or alcohol by a parent when the child is demonstrably adversely affected by such usage.

As used in this paragraph, the term “controlled substance” means prescription drugs not prescribed for the parent or not administered as prescribed and controlled substances as outlined in Schedule I or Schedule II of s. 893.03.

(h) Uses mechanical devices, unreasonable restraints, or extended periods of isolation to control a child.

(i) Engages in violent behavior that demonstrates a wanton disregard for the presence of a child and could reasonably result in serious injury to the child.

(j) Negligently fails to protect a child in his or her care from inflicted physical, mental, or sexual injury caused by the acts of another.

(k) Has allowed a child’s sibling to die as a result of abuse, abandonment, or neglect.

(l) Makes the child unavailable for the purpose of impeding or avoiding a protective investigation unless the court determines that the parent, legal custodian, or caregiver was fleeing from a situation involving domestic violence.

~~(32)~~<sup>(31)</sup> “Institutional child abuse or neglect” means situations of known or suspected child abuse or neglect in which the person allegedly perpetrating the child abuse or neglect is an employee of a private school, public or private day care center, residential home, institution, facility, or agency or any other person at such institution responsible for the child’s care.

~~(33)~~<sup>(32)</sup> “Judge” means the circuit judge exercising jurisdiction pursuant to this chapter.

~~(34)~~<sup>(33)</sup> “Legal custody” means a legal status created by a court order or letter of guardianship which vests in a custodian of the person or guardian, whether an agency or an individual, the right to have physical custody of the child and the right and duty to protect, *nurture, guide train,* and discipline the child and to provide him or her with food, shelter, education, and ordinary medical, dental, psychiatric, and psychological care. ~~The legal custodian is the person or entity in whom the legal right to custody is vested. For purposes of this chapter only, when the phrase “parent or legal custodian” is used, it refers to rights or responsibilities of the parent and, only if there is no living parent with intact parental rights, to the rights or responsibilities of the legal custodian who has assumed the role of the parent.~~

~~(34)~~ “Legal guardianship” means a judicially created relationship between the child and caregiver which is intended to be permanent and self-sustaining and is provided pursuant to the procedures in chapter 744.

(35) “Licensed child-caring agency” means a person, society, association, or agency licensed by the department to care for, receive, and board children.

(36) “Licensed child-placing agency” means a person, society, association, or institution licensed by the department to care for, receive, or board children and to place children in a licensed child-caring institution or a foster or adoptive home.

(37) “Licensed health care professional” means a physician licensed under chapter 458, an osteopathic physician licensed under chapter 459, a nurse licensed under part I of chapter 464, a physician assistant licensed under chapter 458 or chapter 459, or a dentist licensed under chapter 466.

(38) “Likely to injure oneself” means that, as evidenced by violent or other actively self-destructive behavior, it is more likely than not that within a 24-hour period the child will attempt to commit suicide or inflict serious bodily harm on himself or herself.

(39) “Likely to injure others” means that it is more likely than not that within a 24-hour period the child will inflict serious and unjustified bodily harm on another person.

~~(40)~~ “Long term relative custodian” means an adult relative who is a party to a long term custodial relationship created by a court order pursuant to this chapter.

~~(41)~~ “Long term custody” or “long term custodial relationship” means the relationship that a juvenile court order creates between a child and an adult relative of the child or other legal custodian approved by the court when the child cannot be placed in the custody of a parent and adoption is not deemed to be in the best interest of the child. Long term custody confers upon the relative or other legal custodian, other than the department, the right to physical custody of the child, a right which will not be disturbed by the court except upon request of the legal custodian or upon a showing that the best interest of the child necessitates a change of custody for the child. A relative or other legal custodian who has been designated as a long term custodian shall have all of the rights and duties of a parent, including, but not limited to, the right and duty to protect, train, and discipline the child and to provide the child with food, shelter, and education, and ordinary medical, dental, psychiatric, and psychological care, unless these rights and duties are otherwise enlarged or limited by the court order establishing the long term custodial relationship.

~~(40)~~<sup>(42)</sup> “Mediation” means a process whereby a neutral third person called a mediator acts to encourage and facilitate the resolution of a dispute between two or more parties. It is an informal and nonadversarial process with the objective of helping the disputing parties reach a mutually acceptable and voluntary agreement. The role of the mediator includes, but is not limited to, assisting the parties in identifying issues, fostering joint problem solving, and exploring settlement alternatives.

~~(41)~~<sup>(43)</sup> “Mental injury” means an injury to the intellectual or psychological capacity of a child as evidenced by a discernible and substantial impairment in the ability to function within the normal range of performance and behavior.

(42)(44) “Necessary medical treatment” means care which is necessary within a reasonable degree of medical certainty to prevent the deterioration of a child’s condition or to alleviate immediate pain of a child.

(43)(45) “Neglect” occurs when a child is deprived of, or is allowed to be deprived of, necessary food, clothing, shelter, or medical treatment or a child is permitted to live in an environment when such deprivation or environment causes the child’s physical, mental, or emotional health to be significantly impaired or to be in danger of being significantly impaired. The foregoing circumstances shall not be considered neglect if caused primarily by financial inability unless actual services for relief have been offered to and rejected by such person. A parent or legal custodian legitimately practicing religious beliefs in accordance with a recognized church or religious organization who thereby does not provide specific medical treatment for a child ~~may shall~~ not, for that reason alone, be considered a negligent parent or legal custodian; however, such an exception does not preclude a court from ordering the following services to be provided, when the health of the child so requires:

(a) Medical services from a licensed physician, dentist, optometrist, podiatric physician, or other qualified health care provider; or

(b) Treatment by a duly accredited practitioner who relies solely on spiritual means for healing in accordance with the tenets and practices of a well-recognized church or religious organization.

Neglect of a child includes acts or omissions.

(44)(46) “Next of kin” means an adult relative of a child who is the child’s brother, sister, grandparent, aunt, uncle, or first cousin.

(45)(47) “Other person responsible for a child’s welfare” includes the child’s legal guardian, ~~legal custodian~~, or foster parent; an employee of a private school, public or private child day care center, residential home, institution, facility, or agency; or any other person legally responsible for the child’s welfare in a residential setting; and also includes an adult sitter or relative entrusted with a child’s care. For the purpose of departmental investigative jurisdiction, this definition does not include law enforcement officers, or employees of municipal or county detention facilities or the Department of Corrections, while acting in an official capacity.

(46)(48) “Out-of-home” means a placement outside of the home of the parents or a parent.

(47)(49) “Parent” means a woman who gives birth to a child and a man whose consent to the adoption of the child would be required under s. 63.062(1). If a child has been legally adopted, the term “parent” means the adoptive mother or father of the child. The term does not include an individual whose parental relationship to the child has been legally terminated, or an alleged or prospective parent, unless the parental status falls within the terms of s. 39.503(1) or s. 63.062(1). For purposes of this chapter only, when the phrase “parent or legal custodian” is used, it refers to rights or responsibilities of the parent and, only if there is no living parent with intact parental rights, to the rights or responsibilities of the legal custodian who has assumed the role of the parent.

(48)(50) “Participant,” for purposes of a shelter proceeding, dependency proceeding, or termination of parental rights proceeding, means any person who is not a party but who should receive notice of hearings involving the child, including *the actual custodian of the child*, the foster parents or the legal custodian of the child, identified prospective parents, ~~grandparents entitled to priority for adoption consideration under s. 63.0425, actual custodians of the child~~, and any other person whose participation may be in the best interest of the child. A community-based agency under contract with the department to provide protective services may be designated as a participant at the discretion of the court. Participants may be granted leave by the court to be heard without the necessity of filing a motion to intervene.

(49)(51) “Party” means the parent or parents of the child, the petitioner, the department, the guardian ad litem or the representative of the guardian ad litem program when the program has been appointed, and the child. The presence of the child may be excused by order of the court when presence would not be in the child’s best interest. Notice to the child may be excused by order of the court when the age, capacity, or other condition of the child is such that the notice would be meaningless or detrimental to the child.

(50) “Permanency goal” means the living arrangement identified for the child to return to or identified as the permanent living arrangement of the child. Permanency goals applicable under this chapter, listed in order of preference, are:

**Amendment 2 (842920)(with title amendment)**—On page 37, line 21 through page 39, line 11, delete those lines and insert:

Section 6. Section 39.0138, Florida Statutes, is created to read:

*39.0138 Criminal history records check; limit on placement of a child.—*

(1) *The department shall conduct a criminal history records check for all persons being considered by the department for approval for placement of a child subject to a placement decision under this chapter. For purposes of this section, a criminal history records check may include, but is not limited to, submission of fingerprints to the Department of Law Enforcement for processing and forwarding to the Federal Bureau of Investigation for state and national criminal history information, and local criminal records checks through local law enforcement agencies.*

(2) *The department may not place a child with a person other than a parent if the criminal history records check reveals that the person has been convicted of any felony that falls within any of the following categories:*

(a) *Child abuse, abandonment, or neglect;*

(b) *Domestic violence;*

(c) *Child pornography or other felony in which a child was a victim of the offense; or*

(d) *Homicide, sexual battery, or other felony involving violence, other than felony assault or felony battery when an adult was the victim of the assault or battery.*

(3) *The department may not place a child with a person other than a parent if the criminal history records check reveals that the person has, within the previous 5 years, been convicted of a felony that falls within any of the following categories:*

(a) *Assault;*

(b) *Battery; or*

(c) *A drug-related offense.*

(4) *The department may place a child in a home that otherwise meets placement requirements if a name check of state and local criminal history records systems does not disqualify the applicant and if the department submits fingerprints to the Department of Law Enforcement for forwarding to the Federal Bureau of Investigation and is awaiting the results of the state and national criminal history records check.*

(5) *Persons with whom placement of a child is being considered or approved must disclose to the department any prior or pending local, state, or national criminal proceedings in which they are or have been involved.*

(6) *The department may examine the results of any criminal history records check of any person, including a parent, with whom placement of a child is being considered under this section. The complete criminal history records check must be considered when determining whether placement with the person will jeopardize the safety of the child being placed.*

(7)(a) *The court may review a decision of the department to grant or deny the placement of a child based upon information from the criminal history records check. The review may be upon the motion of any party, the request of any person who has been denied a placement by the department, or on the court’s own motion. The court shall prepare written findings to support its decision in this matter.*

(b) *A person who is seeking placement of a child but is denied the placement because of the results of a criminal history records check has the burden of setting forth sufficient evidence of rehabilitation to show that the person will not present a danger to the child if the placement of the child is allowed. Evidence of rehabilitation may include, but is not*

limited to, the circumstances surrounding the incident providing the basis for denying the application, the time period that has elapsed since the incident, the nature of the harm caused to the victim, whether the victim was a child, the history of the person since the incident, whether the person has complied with any requirement to pay restitution, and any other evidence or circumstances indicating that the person will not present a danger to the child if the placement of the child is allowed.

And the title is amended as follows:

On page 1, lines 17-20, delete those lines and insert: creating s. 39.0138, F.S.; requiring the department to conduct a criminal history records check of any person being considered as a prospective foster parent; prohibiting a court from placing a child with a person if the person's criminal history records check shows that the person was convicted of certain specified felonies; requiring a person to disclose to the department pending criminal proceedings; providing that a

**Amendment 3 (411976)**—On page 47, lines 3 through page 69, line 28, delete those lines and insert:

(16) At the conclusion of a shelter hearing, the court shall notify all parties in writing of the next scheduled hearing to review the shelter placement. *The Such* hearing shall be held no later than 30 days after placement of the child in shelter status, in conjunction with the arraignment hearing, and at such times as are otherwise provided by law or determined by the court to be necessary.

(17) *At the shelter hearing, the court shall inquire of the parent whether the parent has relatives who might be considered as a placement for the child. The parent shall provide to the court and all parties identification and location information regarding the relatives. The court shall advise the parent that the parent has a continuing duty to inform the department of any relative who should be considered for placement of the child.*

(18) *The court shall advise the parents that, if the parents fail to substantially comply with the case plan, their parental rights may be terminated and that the child's out-of-home placement may become permanent.*

Section 11. Present subsections (7) and (8) of section 39.507, Florida Statutes, are redesignated as subsections (8) and (9), respectively, and a new subsection (7) is added to that section, to read:

39.507 Adjudicatory hearings; orders of adjudication.—

(7) *If a court adjudicates a child dependent and the child is in out-of-home care, the court shall inquire of the parent or parents whether the parents have relatives who might be considered as a placement for the child. The court shall advise the parents that, if the parents fail to substantially comply with the case plan, their parental rights may be terminated and that the child's out-of-home placement may become permanent. The parent or parents shall provide to the court and all parties identification and location information of the relatives.*

Section 12. Paragraph (c) of subsection (1) and paragraph (a) of subsection (2) of section 39.5085, Florida Statutes, are amended to read:

39.5085 Relative Caregiver Program.—

(1) It is the intent of the Legislature in enacting this section to:

(c) Recognize that permanency in the best interests of the child can be achieved through a variety of permanency options, including *permanent guardianship under s. 39.6221 if the guardian is a relative, by permanent placement with a fit and willing relative under s. 39.6231, by a relative long-term relative custody, guardianship under chapter 744, or adoption*, by providing additional placement options and incentives that will achieve permanency and stability for many children who are otherwise at risk of foster care placement because of abuse, abandonment, or neglect, but who may successfully be able to be placed by the dependency court in the care of such relatives.

(2)(a) The Department of Children and Family Services shall establish and operate the Relative Caregiver Program pursuant to eligibility guidelines established in this section as further implemented by rule of the department. The Relative Caregiver Program shall, within the limits of available funding, provide financial assistance to:

1. Relatives who are within the fifth degree by blood or marriage to the parent or stepparent of a child and who are caring full-time for that dependent child in the role of substitute parent as a result of a court's determination of child abuse, neglect, or abandonment and subsequent placement with the relative *under pursuant to* this chapter.

2. Relatives who are within the fifth degree by blood or marriage to the parent or stepparent of a child and who are caring full-time for that dependent child, and a dependent half-brother or half-sister of that dependent child, in the role of substitute parent as a result of a court's determination of child abuse, neglect, or abandonment and subsequent placement with the relative *under pursuant to* this chapter.

*The Such* placement may be either court-ordered temporary legal custody to the relative under protective supervision of the department pursuant to s. 39.521(1)(b)3., or court-ordered placement in the home of a relative as a permanency option *under s. 39.6221 or s. 39.6231 or under s. 39.622 if the placement was made before July 1, 2006 pursuant to s. 39.622*. The Relative Caregiver Program shall offer financial assistance to caregivers who are relatives and who would be unable to serve in that capacity without the relative caregiver payment because of financial burden, thus exposing the child to the trauma of placement in a shelter or in foster care.

Section 13. Paragraph (d) of subsection (1) of section 39.521, Florida Statutes, is amended to read:

39.521 Disposition hearings; powers of disposition.—

(1) A disposition hearing shall be conducted by the court, if the court finds that the facts alleged in the petition for dependency were proven in the adjudicatory hearing, or if the parents or legal custodians have consented to the finding of dependency or admitted the allegations in the petition, have failed to appear for the arraignment hearing after proper notice, or have not been located despite a diligent search having been conducted.

(d) The court shall, in its written order of disposition, include all of the following:

1. The placement or custody of the child.
2. Special conditions of placement and visitation.
3. Evaluation, counseling, treatment activities, and other actions to be taken by the parties, if ordered.
4. The persons or entities responsible for supervising or monitoring services to the child and parent.
5. Continuation or discharge of the guardian ad litem, as appropriate.
6. The date, time, and location of the next scheduled review hearing, which must occur within the earlier of:
  - a. Ninety days after the disposition hearing;
  - b. Ninety days after the court accepts the case plan;
  - c. Six months after the date of the last review hearing; or
  - d. Six months after the date of the child's removal from his or her home, if no review hearing has been held since the child's removal from the home.

7. If the child is in an out-of-home placement, child support to be paid by the parents, or the guardian of the child's estate if possessed of assets which under law may be disbursed for the care, support, and maintenance of the child. The court may exercise jurisdiction over all child support matters, shall adjudicate the financial obligation, including health insurance, of the child's parents or guardian, and shall enforce the financial obligation as provided in chapter 61. The state's child support enforcement agency shall enforce child support orders under this section in the same manner as child support orders under chapter 61. Placement of the child shall not be contingent upon issuance of a support order.

8.a. If the court does not commit the child to the temporary legal custody of an adult relative, legal custodian, or other adult approved by

the court, the disposition order shall include the reasons for such a decision and shall include a determination as to whether diligent efforts were made by the department to locate an adult relative, legal custodian, or other adult willing to care for the child in order to present that placement option to the court instead of placement with the department.

b. ~~If diligent efforts are made to locate an adult relative willing and able to care for the child but, because no suitable relative is found and,~~ the child is placed with the department or a legal custodian or other adult approved by the court, both the department and the court shall consider transferring temporary legal custody to an adult relative approved by the court at a later date, but neither the department nor the court is obligated to so place the child if it is in the child's best interest to remain in the current placement.

For the purposes of this section ~~subparagraph~~, "diligent efforts to locate an adult relative" means a search similar to the diligent search for a parent, but without the continuing obligation to search after an initial adequate search is completed.

9. Other requirements necessary to protect the health, safety, and well-being of the child, to preserve the stability of the child's educational placement, and to promote family preservation or reunification whenever possible.

Section 14. Subsection (1) of section 39.522, Florida Statutes, is amended to read:

39.522 Postdisposition change of custody.—The court may change the temporary legal custody or the conditions of protective supervision at a postdisposition hearing, without the necessity of another adjudicatory hearing.

(1) A child who has been placed in the child's own home under the protective supervision of an authorized agent of the department, in the home of a relative, in the home of a legal custodian, or in some other place may be brought before the court by the department or by any other interested person, upon the filing of a petition alleging a need for a change in the conditions of protective supervision or the placement. If the parents or other legal custodians deny the need for a change, the court shall hear all parties in person or by counsel, or both. Upon the admission of a need for a change or after such hearing, the court shall enter an order changing the placement, modifying the conditions of protective supervision, or continuing the conditions of protective supervision as ordered. The standard for changing custody of the child shall be the best interest of the child. *When applying this standard, the court shall consider the continuity of the child's placement in the same out-of-home residence as a factor when determining the best interests of the child.* If the child is not placed in foster care, then the new placement for the child must meet the home study criteria and court approval pursuant to this chapter.

Section 15. Section 39.6011, Florida Statutes, is created to read:

39.6011 *Case plan development.*—

(1) *The department shall prepare a draft of the case plan for each child receiving services under this chapter. A parent of a child may not be threatened or coerced with the loss of custody or parental rights for failing to admit in the case plan of abusing, neglecting, or abandoning a child. Participating in the development of a case plan is not an admission to any allegation of abuse, abandonment, or neglect, and it is not a consent to a finding of dependency or termination of parental rights. The case plan shall be developed subject to the following requirements:*

(a) *The case plan must be developed in a face-to-face conference with the parent of the child, any court-appointed guardian ad litem, and, if appropriate, the child and the temporary custodian of the child.*

(b) *The parent may receive assistance from any person or social service agency in preparing the case plan. The social service agency, the department, and the court, when applicable, shall inform the parent of the right to receive such assistance, including the right to assistance of counsel.*

(c) *If a parent is unwilling or unable to participate in developing a case plan, the department shall document that unwillingness or inability to participate. The documentation must be provided in writing to the parent when available for the court record, and the department shall*

*prepare a case plan conforming as nearly as possible with the requirements set forth in this section. The unwillingness or inability of the parent to participate in developing a case plan does not preclude the filing of a petition for dependency or for termination of parental rights. The parent, if available, must be provided a copy of the case plan and be advised that he or she may, at any time before the filing of a petition for termination of parental rights, enter into a case plan and that he or she may request judicial review of any provision of the case plan with which he or she disagrees at any court hearing set for the child.*

(2) *The case plan must be written simply and clearly in English and, if English is not the principal language of the child's parent, to the extent possible in the parent's principal language. Each case plan must contain:*

(a) *A description of the identified problem being addressed, including the parent's behavior or acts resulting in risk to the child and the reason for the intervention by the department.*

(b) *The permanency goal as defined in s. 39.01(51).*

(c) *If concurrent planning is being used, a description of the permanency goal of reunification with the parent or legal custodian in addition to a description of one of the remaining permanency goals described in s. 39.01(51).*

(d) *The date the compliance period expires. The case plan must be limited to as short a period as possible for accomplishing its provisions. The plan's compliance period expires no later than 12 months after the date the child was initially removed from the home or the date the case plan was accepted by the court, whichever occurs sooner.*

(e) *A written notice to the parent that failure of the parent to substantially comply with the case plan may result in the termination of parental rights, and that a material breach of the case plan may result in the filing of a petition for termination of parental rights sooner than the compliance period set forth in the case plan.*

(3) *The case plan must be signed by all parties, except that the signature of a child may be waived if the child is not of an age or capacity to participate in the case-planning process. Signing the case plan constitutes an acknowledgement that the case plan has been developed by the parties and that they are in agreement as to the terms and conditions contained in the case plan. The refusal of a parent to sign the case plan does not prevent the court from accepting the case plan if the case plan is otherwise acceptable to the court. Signing the case plan does not constitute an admission to any allegation of abuse, abandonment, or neglect and does not constitute consent to a finding of dependency or termination of parental rights. Before signing the case plan, the department shall explain the provisions of the plan to all persons involved in its implementation, including, when appropriate, the child.*

(4) *The case plan must describe:*

(a) *The role of the foster parents or legal custodians when developing the services that are to be provided to the child, foster parents, or legal custodians;*

(b) *The minimum number of face-to-face meetings to be held each month between the parents and the department's family services counselors to review the progress of the plan, to eliminate barriers to progress, and to resolve conflicts or disagreements; and*

(c) *The parent's responsibility for financial support of the child, including, but not limited to, health insurance and child support. The case plan must list the costs associated with any services or treatment that the parent and child are expected to receive which are the financial responsibility of the parent. The determination of child support and other financial support shall be made independently of any determination of indigency under s. 39.013.*

(5) *When the permanency goal for a child is adoption, the case plan must include documentation of the steps the agency is taking to find an adoptive family or other permanent living arrangement for the child. At a minimum, the documentation shall include recruitment efforts that are specific to the child, such as the use of state, regional, and national adoption exchanges, including electronic exchange systems.*

(6) *After the case plan has been developed, the department shall adhere to the following procedural requirements:*

(a) If the parent's substantial compliance with the case plan requires the department to provide services to the parents or the child and the parents agree to begin compliance with the case plan before the case plan's acceptance by the court, the department shall make the appropriate referrals for services that will allow the parents to begin the agreed-upon tasks and services immediately.

(b) After the case plan has been agreed upon and signed by the parties, a copy of the plan must be given immediately to the parties, including the child if appropriate, and to other persons as directed by the court.

1. A case plan must be prepared, but need not be submitted to the court, for a child who will be in care no longer than 30 days unless that child is placed in out-of-home care a second time within a 12-month period.

2. In each case in which a child has been placed in out-of-home care, a case plan must be prepared within 60 days after the department removes the child from the home and shall be submitted to the court before the disposition hearing for the court to review and approve.

3. After jurisdiction attaches, all case plans must be filed with the court and a copy provided to all the parties whose whereabouts are known not less than 3 business days before the disposition hearing. The department shall file with the court, and provide copies to the parties, all case plans prepared before jurisdiction of the court attached.

(7) The case plan must be filed with the court and copies provided to all parties, including the child if appropriate, not less than 3 business days before the disposition hearing.

(8) The case plan must describe a process for making available to all physical custodians and family services counselors the information required by s. 39.6012(2) and for ensuring that this information follows the child until permanency has been achieved.

Section 16. Section 39.6012, Florida Statutes, is created to read:

39.6012 Case plan tasks; services.—

(1) The services to be provided to the parent and the tasks that must be completed are subject to the following:

(a) The services described in the case plan must be designed to improve the conditions in the home and aid in maintaining the child in the home, facilitate the child's safe return to the home, ensure proper care of the child, or facilitate the child's permanent placement. The services offered must be the least intrusive possible into the life of the parent and child, must focus on clearly defined objectives, and must provide the most efficient path to quick reunification or permanent placement given the circumstances of the case and the child's need for safe and proper care.

(b) The case plan must describe each of the tasks with which the parent must comply and the services to be provided to the parent, specifically addressing the identified problem, including:

1. The type of services or treatment.
2. The date the department will provide each service or referral for the service if the service is being provided by the department or its agent.
3. The date by which the parent must complete each task.
4. The frequency of services or treatment provided. The frequency of the delivery of services or treatment provided shall be determined by the professionals providing the services or treatment on a case-by-case basis and adjusted according to their best professional judgment.
5. The location of the delivery of the services.
6. The staff of the department or service provider accountable for the services or treatment.
7. A description of the measurable objectives, including the timeframes specified for achieving the objectives of the case plan and addressing the identified problem.

(2) The case plan must include all available information that is relevant to the child's care including, at a minimum:

(a) A description of the identified needs of the child while in care.

(b) A description of the plan for ensuring that the child receives safe and proper care and that services are provided to the child in order to address the child's needs. To the extent available and accessible, the following health, mental health, and education information and records of the child must be attached to the case plan and updated throughout the judicial-review process:

1. The names and addresses of the child's health, mental health, and educational providers;
2. The child's grade-level performance;
3. The child's school record;
4. Assurances that the child's placement takes into account proximity to the school in which the child is enrolled at the time of placement;
5. A record of the child's immunizations;
6. The child's known medical history, including any known problems;
7. The child's medications, if any; and
8. Any other relevant health, mental health, and education information concerning the child.

(3) In addition to any other requirement, if the child is in an out-of-home placement, the case plan must include:

- (a) A description of the type of placement in which the child is to be living.
- (b) A description of the parent's visitation rights and obligations and the plan for sibling visitation if the child has siblings and is separated from them.

(c) When appropriate, for a child who is 13 years of age or older, a written description of the programs and services that will help the child prepare for the transition from foster care to independent living.

(d) A discussion of the safety and the appropriateness of the child's placement, which placement is intended to be safe, and the least restrictive and the most family-like setting available consistent with the best interest and special needs of the child and in as close proximity as possible to the child's home.

Section 17. Section 39.6013, Florida Statutes, is created to read:

39.6013 Case plan amendments.—

(1) After the case plan has been developed under s. 39.6011, the tasks and services agreed upon in the plan may not be changed or altered in any way except as provided in this section.

(2) The case plan may be amended at any time in order to change the goal of the plan, employ the use of concurrent planning, add or remove tasks the parent must complete to substantially comply with the plan, provide appropriate services for the child, and update the child's health, mental health, and education records required by s. 39.6012.

(3) The case plan may be amended upon approval of the court if all parties are in agreement regarding the amendments to the plan and the amended plan is signed by all parties and submitted to the court with a memorandum of explanation.

(4) The case plan may be amended by the court or upon motion of any party at any hearing to change the goal of the plan, employ the use of concurrent planning, or add or remove tasks the parent must complete in order to substantially comply with the plan if there is a preponderance of evidence demonstrating the need for the amendment. The need to amend the case plan may be based on information discovered or circumstances arising after the approval of the case plan for:

- (a) A previously unaddressed condition that, without services, may prevent the child from safely returning to the home or may prevent the child from safely remaining in the home;
- (b) The child's need for permanency, taking into consideration the child's age and developmental needs;

(c) *The failure of a party to substantially comply with a task in the original case plan, including the ineffectiveness of a previously offered service; or*

(d) *An error or oversight in the case plan.*

(5) *The case plan may be amended by the court or upon motion of any party at any hearing to provide appropriate services to the child if there is competent evidence demonstrating the need for the amendment. The reason for amending the case plan may be based on information discovered or circumstances arising after the approval of the case plan regarding the provision of safe and proper care to the child.*

(6) *The case plan is deemed amended as to the child's health, mental health, and education records required by s. 39.6012 when the child's updated health and education records are filed by the department under s. 39.701(7)(a).*

(7) *Amendments must include service interventions that are the least intrusive into the life of the parent and child, must focus on clearly defined objectives, and must provide the most efficient path to quick reunification or permanent placement given the circumstances of the case and the child's need for safe and proper care. A copy of the amended plan must be immediately given to the persons identified in s. 39.601(1).*

Section 18. Subsections (1) and (2) of section 39.603, Florida Statutes, are amended to read:

39.603 Court approvals of case planning.—

(1) *All case plans and amendments to case plans must be approved by the court. At the hearing on the case plan, which shall occur in conjunction with the disposition hearing unless otherwise directed by the court, the court shall determine:*

(a) *All parties who were notified and are in attendance at the hearing, either in person or through a legal representative. The court may appoint a guardian ad litem under Rule 1.210, Florida Rules of Civil Procedure, to represent the interests of any parent, if the location of the parent is known but the parent is not present at the hearing and the development of the plan is based upon the physical, emotional, or mental condition or physical location of the parent.*

(b) *If the plan is consistent with previous orders of the court placing the child in care.*

(c) *If the plan is consistent with the requirements for the content of a plan as specified in this chapter.*

(d) *In involuntary placements, whether each parent was notified of the right to counsel at each stage of the dependency proceedings, in accordance with the Florida Rules of Juvenile Procedure.*

(e) *Whether each parent whose location was known was notified of the right to participate in the preparation of a case plan and of the right to receive assistance from any other person in the preparation of the case plan.*

(f) *Whether the plan is meaningful and designed to address facts and circumstances upon which the court based the finding of dependency in involuntary placements or the plan is meaningful and designed to address facts and circumstances upon which the child was placed in out-of-home care voluntarily.*

(2) *When the court determines that any of the elements considered at the hearing related to the plan have not been met, the court shall require the parties to make necessary amendments to the plan under s. 39.6013. The amended plan must be submitted to the court for review and approval within 30 days after the hearing. A copy of the amended plan must also be provided to each party, if the location of the party is known, at least 3 business days 72 hours before prior to filing with the court.*

Section 19. Section 39.621, Florida Statutes, is amended to read:

39.621 Permanency determination by the court.—

(1) *Time is of the essence for permanency of children in the dependency system. A permanency hearing must be held no later than 12 months after the date the child was removed from the home or no later*

*than 30 days after a court determines that reasonable efforts to return a child to either parent are not required, whichever occurs first. The purpose of the permanency hearing is to determine when the child will achieve the permanency goal or whether modifying the current goal is in the best interest of the child. A permanency hearing must be held at least every 12 months for any child who continues to receive supervision from the department or awaits adoption. When the court has determined that reunification with either parent is not appropriate, then the court must make a permanency determination for the child.*

(2) *The permanency goals available under this chapter, listed in order of preference, are:*

(a) *Reunification;*

(b) *Adoption, if a petition for termination of parental rights has been or will be filed;*

(c) *Permanent guardianship of a dependent child under s. 39.6221;*

(d) *Permanent placement with a fit and willing relative under s. 39.6231; or*

(e) *Placement in another planned permanent living arrangement under s. 39.6241.*

(3)(a) *At least 3 business days before the permanency hearing, the department shall file its judicial review social services report with the court and serve copies of the report on all parties. The report must include a recommended permanency goal for the child, suggest changes to the case plan, if needed, and describe why the recommended goal is in the best interest of the child.*

(b) *Before the permanency hearing, the department shall advise the child and the individuals with whom the child will be placed about the availability of more permanent and legally secure placements and what type of financial assistance is associated with each placement.*

(4) *At the permanency hearing, the court shall determine:*

(a) *Whether the current permanency goal for the child is appropriate or should be changed;*

(b) *When the child will achieve one of the permanency goals; and*

(c) *Whether the department has made reasonable efforts to finalize the permanency plan currently in effect.*

(5) *The best interest of the child is the primary consideration in determining the permanency goal for the child. The court must also consider:*

(a) *The reasonable preference of the child if the court has found the child to be of sufficient intelligence, understanding, and experience to express a preference; and*

(b) *Any recommendation of the guardian ad litem.*

(6)(2) *If a child will not be reunited with a parent, adoption, under pursuant to chapter 63, is the primary permanency option available to the court. If the child is placed with a relative or with a relative of the child's half-brother or half-sister as a permanency option, the court may shall recognize the permanency of this placement without requiring the relative to adopt the child.*

*If the court approves a permanency goal of permanent guardianship of a dependent child, placement with a fit and willing relative, or another planned permanent living arrangement, the court shall make findings as to why this permanent placement is established without adoption of the child to follow. If the court approves a permanency goal of another planned permanent living arrangement, the court shall document the compelling reasons for choosing this goal.*

(7) *The findings of the court regarding reasonable efforts to finalize the permanency plan must be explicitly documented, made on a case-by-case basis, and stated in the court order.*

(8) *The case plan must list the tasks necessary to finalize the permanency placement and shall be updated at the permanency hearing if necessary. If a concurrent case plan is in place, the court may choose between the permanency goal options presented and shall approve the goal that is in the child's best interest.*

(9) *The permanency placement is intended to continue until the child reaches the age of majority and may not be disturbed absent a finding by the court that the circumstances of the permanency placement are no longer in the best interest of the child. If a parent who has not had his or her parental rights terminated makes a motion for reunification or increased contact with the child, the court shall hold a hearing to determine whether the dependency case should be reopened and whether there should be a modification of the order. At the hearing, the parent must demonstrate that the safety, well-being, and physical, mental, and emotional health of the child is not endangered by the modification.*

(10) *The court shall base its decision concerning any motion by a parent for reunification or increased contact with a child on the effect of the decision on the safety, well-being, and physical and emotional health of the child. Factors that must be considered and addressed in the findings of fact of the order on the motion must include:*

- (a) *The compliance or noncompliance of the parent with the case plan;*
- (b) *The circumstances which caused the child's dependency and whether those circumstances have been resolved;*
- (c) *The stability and longevity of the child's placement;*
- (d) *The preferences of the child, if the child is of sufficient age and understanding to express a preference;*
- (e) *The recommendation of the current custodian; and*
- (f) *The recommendation of the guardian ad litem, if one has been appointed.*

(11) *Placement of a child in a permanent guardianship, with a fit and willing relative, or in another planned permanent living arrangement does not terminate the parent-child relationship, including, but not limited to:*

- (a) *The right of the child to inherit from his or her parents;*
- (b) *The parents' right to consent to the child's adoption; or*
- (c) *The parents' responsibility to provide financial, medical, and other support for the child as ordered by the court.*

~~(3) The permanency options listed in the following paragraphs shall only be considered by the court if adoption is determined by the court to not be in the child's best interest, except as otherwise provided in subsection (2):~~

- ~~(a) Guardianship pursuant to chapter 744.~~
- ~~(b) Long-term custody.~~
- ~~(c) Long-term licensed custody.~~
- ~~(d) Independent living.~~

~~The permanency placement is intended to continue until the child reaches the age of majority and shall not be disturbed absent a finding by the court that the circumstances of the permanency placement are no longer in the best interest of the child.~~

Section 20. Section 39.6221, Florida Statutes, is created to read:

39.6221 *Permanent guardianship of a dependent child.—*

(1) *If a court determines that reunification or adoption is not in the best interest of the child, the court may place the child in a permanent guardianship with a relative or other adult approved by the court if all of the following conditions are met:*

- (a) *The child has been in the placement for not less than the preceding 6 months.*
- (b) *The permanent guardian is suitable and able to provide a safe and permanent home for the child.*
- (c) *The court determines that the child and the relative or other adult are not likely to need supervision or services of the department to ensure the stability of the permanent guardianship.*

(d) *The permanent guardian has made a commitment to provide for the child until the child reaches the age of majority and to prepare the child for adulthood and independence.*

(e) *The permanent guardian agrees to give notice of any change in his or her residential address or the residence of the child by filing a written document in the dependency file of the child with the clerk of the court.*

(2) *In its written order establishing a permanent guardianship, the court shall:*

- (a) *List the circumstances or reasons why the child's parents are not fit to care for the child and why reunification is not possible by referring to specific findings of fact made in its order adjudicating the child dependent or by making separate findings of fact;*
- (b) *State the reasons why a permanent guardianship is being established instead of adoption;*
- (c) *Specify the frequency and nature of visitation or contact between the child and his or her parents;*
- (d) *Specify the frequency and nature of visitation or contact between the child and his or her grandparents, under s. 39.509;*
- (e) *Specify the frequency and nature of visitation or contact between the child and his or her siblings; and*
- (f) *Require that the permanent guardian not return the child to the physical care and custody of the person from whom the child was removed without the approval of the court.*

**Amendment 4 (683190)(with title amendment)**—On page 73, line 9 through page 82, line 4, delete those lines and insert:

(d) *There are compelling reasons to show that placement in another planned permanent living arrangement is the most appropriate permanency goal. Compelling reasons for such placement may include, but are not limited to:*

1. *The case of a parent and child who have a significant bond but the parent is unable to care for the child because of an emotional or physical disability, and the child's foster parents have committed to raising him or her to the age of majority and to facilitate visitation with the disabled parent;*
2. *The case of a child for whom an Indian tribe has identified another planned permanent living arrangement for the child; or*
3. *The case of a foster child who is 16 years of age or older who chooses to remain in foster care, and the child's foster parents are willing to care for the child until the child reaches 18 years of age.*

(2) *The department and the guardian ad litem must provide the court with a recommended list and description of services needed by the child, such as independent living services and medical, dental, educational, or psychological referrals, and a recommended list and description of services needed by his or her caregiver.*

(3) *The department shall continue to supervise the planned permanent living arrangement until the court orders otherwise. The court shall continue to review the placement at least once every 6 months.*

Section 23. Paragraph (a) of subsection (7), paragraph (g) of subsection (8), and subsection (9) of section 39.701, Florida Statutes, are amended, and paragraph (k) is added to subsection (8) of that section, to read:

39.701 *Judicial review.—*

(7)(a) *Before ~~Prior~~ to every judicial review hearing or citizen review panel hearing, the social service agency shall make an investigation and social study concerning all pertinent details relating to the child and shall furnish to the court or citizen review panel a written report that includes, but is not limited to:*

1. *A description of the type of placement the child is in at the time of the hearing, including the safety of the child and the continuing necessity for and appropriateness of the placement.*

2. Documentation of the diligent efforts made by all parties to the case plan to comply with each applicable provision of the plan.

3. The amount of fees assessed and collected during the period of time being reported.

4. The services provided to the foster family or legal custodian in an effort to address the needs of the child as indicated in the case plan.

5. A statement that either:

a. The parent, though able to do so, did not comply substantially with the provisions of the case plan, and the agency recommendations;

b. The parent did substantially comply with the provisions of the case plan; or

c. The parent has partially complied with the provisions of the case plan, with a summary of additional progress needed and the agency recommendations.

6. A statement from the foster parent or legal custodian providing any material evidence concerning the return of the child to the parent or parents.

7. A statement concerning the frequency, duration, and results of the parent-child visitation, if any, and the agency recommendations for an expansion or restriction of future visitation.

8. The number of times a child has been removed from his or her home and placed elsewhere, the number and types of placements that have occurred, and the reason for the changes in placement.

9. The number of times a child's educational placement has been changed, the number and types of educational placements which have occurred, and the reason for any change in placement.

10. If the child has reached 13 years of age but is not yet 18 years of age, the results of the preindependent living, life skills, or independent living assessment; the specific services needed; and the status of the delivery of the identified services.

11. Copies of all medical, psychological, and educational records that support the terms of the case plan and that have been produced concerning the child, parents, or any caregiver since the last judicial review hearing.

12. Copies of the child's current health, mental health, and education records as identified in s. 39.6012.

(8) The court and any citizen review panel shall take into consideration the information contained in the social services study and investigation and all medical, psychological, and educational records that support the terms of the case plan; testimony by the social services agency, the parent, the foster parent or legal custodian, the guardian ad litem if one has been appointed for the child, and any other person deemed appropriate; and any relevant and material evidence submitted to the court, including written and oral reports to the extent of their probative value. These reports and evidence may be received by the court in its effort to determine the action to be taken with regard to the child and may be relied upon to the extent of their probative value, even though not competent in an adjudicatory hearing. In its deliberations, the court and any citizen review panel shall seek to determine:

(g) Whether the child is receiving safe and proper care according to s. 39.6012, including, but not limited to, the appropriateness of the child's current placement, including whether the child is in a setting that which is as family-like and as close to the parent's home as possible, consistent with the child's best interests and special needs, and including maintaining stability in the child's educational placement.

(k) If amendments to the case plan are required. Amendments to the case plan must be made under s. 39.6013.

(9)(a) Based upon the criteria set forth in subsection (8) and the recommended order of the citizen review panel, if any, the court shall determine whether or not the social service agency shall initiate proceedings to have a child declared a dependent child, return the child to the parent, continue the child in out-of-home care for a specified period

of time, or initiate termination of parental rights proceedings for subsequent placement in an adoptive home. ~~Amendments to the case plan must be prepared as prescribed in s. 39.6013 s. 39.601.~~ Modifications to the case plan must be handled as prescribed in s. 39.6013 s. 39.601. If the court finds that the prevention or reunification efforts of the department will allow the child to remain safely at home or be safely returned to the home, the court shall allow the child to remain in or return to the home after making a specific finding of fact that the reasons for the creation of the case plan have been remedied to the extent that the child's safety, well-being, and physical, mental, and emotional health will not be endangered.

(b) The court shall return the child to the custody of the parents at any time it determines that they have substantially complied with the case plan, if the court is satisfied that reunification will not be detrimental to the child's safety, well-being, and physical, mental, and emotional health.

(c) If, in the opinion of the court, the social service agency has not complied with its obligations as specified in the written case plan, the court may find the social service agency in contempt, shall order the social service agency to submit its plans for compliance with the agreement, and shall require the social service agency to show why the child could not safely be returned to the home of the parents.

~~(d) The court may extend the time limitation of the case plan, or may modify the terms of the plan, based upon information provided by the social service agency, and the guardian ad litem, if one has been appointed, the parent or parents, and the foster parents or legal custodian, and any other competent information on record demonstrating the need for the amendment. If the court extends the time limitation of the case plan, the court must make specific findings concerning the frequency of past parent-child visitation, if any, and the court may authorize the expansion or restriction of future visitation. Modifications to the plan must be handled as prescribed in s. 39.601. Any extension of a case plan must comply with the time requirements and other requirements specified by this chapter.~~

~~(d)(e)~~ If, at any judicial review, the court finds that the parents have failed to substantially comply with the case plan to the degree that further reunification efforts are without merit and not in the best interest of the child, *on its own motion*, the court ~~it may order~~ ~~authorize~~ the filing of a petition for termination of parental rights, whether or not the time period as contained in the case plan for substantial compliance has ~~expired~~ ~~elapsed~~.

~~(e)(f)~~ No later than 6 ~~12~~ months after the date that the child was placed in shelter care, the court shall conduct a judicial review ~~hearing to review plan for~~ the child's permanency goal as identified in the case plan. *At the hearing the court shall make findings regarding the likelihood of the child's reunification with the parent or legal custodian within 12 months after the removal of the child from the home. If, at this hearing, the court makes a written finding that it is not likely that the child will be reunified with the parent or legal custodian within 12 months after the child was removed from the home, the department must file with the court, and serve on all parties, a motion to amend the case plan under s. 39.6013 and declare that it will use concurrent planning for the case plan. The department must file the motion no later than 10 business days after receiving the written finding of the court. The department must attach the proposed amended case plan to the motion. If concurrent planning is already being used, the case plan must document the efforts the department is taking to complete the concurrent goal. At this hearing, if the child is not returned to the physical custody of the parents, the case plan may be extended with the same goals only if the court finds that the situation of the child is so extraordinary that the plan should be extended. The case plan must document steps the department is taking to find an adoptive parent or other permanent living arrangement for the child.*

~~(f)(g)~~ The court may issue a protective order in assistance, or as a condition, of any other order made under this part. In addition to the requirements included in the case plan, the protective order may set forth requirements relating to reasonable conditions of behavior to be observed for a specified period of time by a person or agency who is before the court; and ~~the such~~ order may require any ~~such~~ person or agency to make periodic reports to the court containing such information as the court in its discretion may prescribe.

Section 24. Section 39.8055, Florida Statutes, is created to read:

39.8055 Requirement to file a petition to terminate parental rights; exceptions.—

(1) The department shall file a petition to terminate parental rights within 60 days after any of the following if:

(a) At the time of the 12-month judicial review hearing, a child is not returned to the physical custody of the parents;

(b) A petition for termination of parental rights has not otherwise been filed, and the child has been in out-of-home care under the responsibility of the state for 15 of the most recent 22 months, calculated on a cumulative basis, but not including any trial home visits or time during which the child was a runaway;

(c) A parent has been convicted of murder of the other parent, manslaughter of the other parent, aiding or abetting or conspiracy or solicitation to murder the other parent, or a felony battery that resulted in serious bodily injury to the child or to any other child of the parent; or

(d) A court determines that reasonable efforts to reunify the child and parent are not required.

(2) Notwithstanding subsection (1), the department may choose not to file or join in a petition to terminate the parental rights of a parent if:

(a) The child is being cared for by a relative under s. 39.6231; or

(b) The department has documented in the report to the court a compelling reason for determining that filing such a petition is not in the best interests of the child. Compelling reasons for not filing or joining a petition to terminate parental rights may include, but are not limited to:

1. Adoption is not the appropriate permanency goal for the child.
2. No grounds to file a petition to terminate parental rights exist.
3. The child is an unaccompanied refugee minor as defined in 45 C.F.R. 400.111.
4. There are international legal obligations or compelling foreign-policy reasons that would preclude terminating parental rights.
5. The department has not provided to the family, consistent with the time period in the case plan, services that the department deems necessary for the safe return of the child to the home.

(3) Upon good cause shown by any party or on its own motion, the court may review the decision by the department that compelling reasons exist for not filing or joining a petition for termination of parental rights.

(4) Upon good cause shown by any party or on its own motion, the court may review the determination by the department that compelling reasons exist for not filing a petition for termination of parental rights.

And the title is amended as follows:

On page 4, lines 19-24, delete those lines and insert: shelter care; creating s. 39.8055, F.S.; requiring the department to file a petition or to join in a petition to terminate parental rights within a specified number of days under certain circumstances; providing exceptions; providing examples of compelling reasons for the department not to file or to join a petition to terminate parental rights; authorizing the court to review the decision by the department for not filing or joining a petition for termination of parental rights; amending s. 39.806, F.S.;

**Amendment 5 (311192)(with title amendment)**—On page 93, line 25, after “39.624,” insert: 39.703,

And the title is amended as follows:

On page 5, lines 9-15, delete those lines and insert: repealing ss. 39.601, 39.622, 39.623, 39.624, 39.703, and 435.045, F.S., relating to case plan requirements, long-term custody of a dependent child, long-term licensed custody of a dependent child, independent living, the initiation of termination of parental rights proceedings, and background screening of certain persons before a dependent child is placed in their home, respectively;

Pursuant to Rule 4.19, **CS for CS for SB 1080** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

**MOTIONS RELATING TO COMMITTEE REFERENCE**

On motion by Senator Margolis, by two-thirds vote **SB 288** and **SB 2652** were withdrawn from the committees of reference and further consideration.

On motion by Senator Argenziano, by two-thirds vote **SB 1252** was withdrawn from the committees of reference and further consideration.

On motion by Senator Pruitt, by two-thirds vote **CS for SB 2668** was withdrawn from the Committee on Government Efficiency Appropriations.

**MOTIONS**

On motion by Senator Pruitt, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the Special Order Calendar for Friday, April 21.

**REPORTS OF COMMITTEES**

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Thursday, April 20, 2006: CS for CS for SB 2518, CS for SB 1342, CS for CS for SB 1080, CS for SB 1680, CS for SB 2548, CS for CS for SB 2060, CS for SB 646, CS for SB 1216, CS for CS for SB 1112, CS for CS for SB 1090, CS for SB 876, CS for SB 254, CS for CS for SB 360, SB 714, SB 692, CS for CS for CS for CS for SB 24, SB 1074

Respectfully submitted,  
Ken Pruitt, Chair

The Committee on Judiciary recommends the following pass: SB 2726

**The bill was referred to the Committee on Children and Families under the original reference.**

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 1190

The Committee on Health Care recommends the following pass: CS for SB 1172

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

The Committee on Judiciary recommends the following pass: SB 2622

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

The Committee on Health Care recommends the following pass: SB 2520

**The bill was referred to the Committee on Domestic Security under the original reference.**

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 1014

The Committee on Judiciary recommends the following pass: SB 1152

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

The Committee on Criminal Justice recommends the following pass: CS for SB 282

**The bill was referred to the Committee on General Government Appropriations under the original reference.**

---

The Committee on Criminal Justice recommends the following pass: CS for SB 144 and SB 944

**The bill was referred to the Committee on Government Efficiency Appropriations under the original reference.**

---

The Committee on Health Care recommends the following pass: CS for SB 1330, SB 2786

**The bills were referred to the Committee on Governmental Oversight and Productivity under the original reference.**

---

The Committee on Health Care recommends the following pass: SB 2150 with 1 amendment

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

---

The Committee on Criminal Justice recommends the following pass: SB 910

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

---

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 512, CS for SB 1586

**The bills were referred to the Committee on Rules and Calendar under the original reference.**

---

The Committee on Governmental Oversight and Productivity recommends the following pass: CS for SB 132 with 1 amendment

The Committee on Transportation recommends the following pass: CS for CS for SB 1020 with 1 amendment

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

---

The Committee on Criminal Justice recommends the following pass: CS for SB 218

The Committee on Governmental Oversight and Productivity recommends the following pass: CS for SB 410

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

---

The Committee on Environmental Preservation recommends a committee substitute for the following: Senate Bills 1338 and 1794

**The bills with committee substitute attached were referred to the Committee on Agriculture under the original reference.**

---

The Committee on Regulated Industries recommends a committee substitute for the following: SB 2630

**The bill with committee substitute attached was referred to the Committee on Banking and Insurance under the original reference.**

---

The Committee on Criminal Justice recommends a committee substitute for the following: SB 206

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

---

The Committee on Environmental Preservation recommends committee substitutes for the following: SB 2070, SB 2538

The Committee on Regulated Industries recommends a committee substitute for the following: SB 2358

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

---

The Committee on Ethics and Elections recommends a committee substitute for the following: SB 2230

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

---

The Committee on Environmental Preservation recommends a committee substitute for the following: SB 2708

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

---

The Committee on General Government Appropriations recommends a committee substitute for the following: SB 2062

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

---

The Committee on Criminal Justice recommends a committee substitute for the following: SB 588

The Committee on Education recommends a committee substitute for the following: SB 1896

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: CS for SB 2490

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

---

The Committee on Community Affairs recommends a committee substitute for the following: SB 2312

The Committee on Environmental Preservation recommends a committee substitute for the following: SB 2544

The Committee on Transportation recommends a committee substitute for the following: SB 2632

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

---

The Committee on Community Affairs recommends a committee substitute for the following: SB 128

The Committee on Criminal Justice recommends a committee substitute for the following: SB 1474

The Committee on Education recommends a committee substitute for the following: SB 2424

The Committee on Ethics and Elections recommends a committee substitute for the following: SB 880

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

The Committee on Children and Families recommends a committee substitute for the following: SB 2214

The Committee on Education recommends a committee substitute for the following: CS for SB 1798

**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 Education recommends a committee substitute for the following: SB 2602

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

The Committee on Criminal Justice recommends a committee substitute for the following: SB 2108

The Committee on Education recommends a committee substitute for the following: SB 2616

The Committee on Environmental Preservation recommends committee substitutes for the following: SB 430, CS for SB 2128

The Committee on Ethics and Elections recommends a committee substitute for the following: SB 718

**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 Governmental Oversight and Productivity recommends committee substitutes for the following: SB 474, SB 510, SB 1052, SB 1584, SB 2066

**The bills with committee substitutes attached were referred to the Committee on Rules and Calendar under the original reference.**

The Committee on Community Affairs recommends committee substitutes for the following: SB 1862, SB 1878

**The bills with committee substitutes attached were referred to the Committee on Transportation under the original reference.**

The Committee on Community Affairs recommends a committee substitute for the following: SB 2300

The Committee on Government Efficiency Appropriations recommends committee substitutes for the following: CS for CS for SB 2020, SB 2384

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 1888

**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 Education Appropriations recommends a committee substitute for the following: SB 2380

The Committee on General Government Appropriations recommends a committee substitute for the following: CS for SB 2102

The Committee on Government Efficiency Appropriations recommends a committee substitute for the following: CS for SB 256

The Committee on Government Efficiency Appropriations recommends a committee substitute for the following: SB 2410

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 1064

The Committee on Transportation and Economic Development Appropriations recommends committee substitutes for the following: SB 164, CS for SB 862, CS for SB 954, CS for SB 1132, CS for SB 2728

**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 Community Affairs recommends a committee substitute for the following: CS for CS for SB 1394

The Committee on Education recommends committee substitutes for the following: CS for SB 2234, SB 2558

The Committee on Education Appropriations recommends committee substitutes for the following: CS for SB 550, CS for CS for SJR 2170

The Committee on General Government Appropriations recommends committee substitutes for the following: SB 726, CS for SB 1168, CS for SB 1508

The Committee on Government Efficiency Appropriations recommends committee substitutes for the following: CS for SB 142, CS for SB 2364

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: CS for SB 1736

The Committee on Regulated Industries recommends a committee substitute for the following: CS for SB 1654

The Committee on Transportation recommends a committee substitute for the following: CS for SB 232

The Committee on Transportation and Economic Development Appropriations recommends a committee substitute for the following: CS for SB 638

**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 Criminal Justice recommends that the Senate confirm the following appointments made by the Governor:

*Office and Appointment* *For Term Ending*

Director, Office of Drug Control  
Appointee: William H. Janes Pleasure of Governor

The Committee on Governmental Oversight and Productivity recommends that the Senate confirm the following appointments made by the Board of Administration:

*Office and Appointment* *For Term Ending*

Investment Advisory Council  
Appointee: Roman Martinez, IV 12/11/2008

The Committee on Governmental Oversight and Productivity recommends that the Senate confirm the following appointments made by the Governor:

*Office and Appointment*

Secretary of State  
Appointee: Sue M. Cobb

*For Term  
Ending*

Pleasure of  
Governor

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

## COMMITTEE SUBSTITUTES

### FIRST READING

By the Committee on Community Affairs; and Senator Bennett—

**CS for SB 128**—A bill to be entitled An act relating to manufactured buildings; amending s. 553.36, F.S.; authorizing the use of certain foundation systems for all types of manufactured buildings; amending s. 553.37, F.S.; authorizing the permitting for a specified time of manufactured buildings that use a foundation system designed and installed in accordance with certain standards; authorizing such use to be extended upon application and inspection; prohibiting the denial of such extension without an inspection and verified findings of fault with the foundation system; providing that the act does not apply to residential manufactured buildings or factory-built schools; providing an effective date.

By the Committees on Government Efficiency Appropriations; Communications and Public Utilities; and Senators Fasano and Argenzi—

**CS for CS for SB 142**—A bill to be entitled An act relating to telecommunications; amending s. 364.051, F.S., relating to price regulation; allowing a telecommunications company to publicly publish price lists for nonbasic services; providing guidelines for such publication; allowing 1 day's notice for price changes to nonbasic services; deleting a company's option to elect that its basic services be treated as nonbasic services; requiring a company to request that the Public Service Commission lessen its service quality regulation; providing criteria for granting a petition to change regulatory treatment of retail services; amending s. 364.025, F.S.; providing definitions; providing that a local exchange telecommunications company obligated to serve as the carrier of last resort is not obligated to provide basic local telecommunications service to customers in a multitenant business or residential property under certain circumstances; requiring the local exchange telecommunications company to notify the Public Service Commission when it is relieved of the obligation to provide service; providing for the local exchange telecommunications company to request a waiver of its carrier of last resort obligation from the commission; providing for carrier of last resort obligation to apply when specified conditions cease to exist; providing for effect of the act on the commission's jurisdiction; providing an effective date.

By the Committee on Transportation and Economic Development Appropriations; and Senators Lynn and Margolis—

**CS for SB 164**—A bill to be entitled An act relating to qualified job-training organizations; creating s. 288.1171, F.S.; defining the term "qualified job-training organization"; providing for the Office of Tourism, Trade, and Economic Development to certify qualified job-training organizations; providing for the distribution of certain funds to a certified organization; specifying uses of the funds; providing for revocation of certification under certain circumstances; providing an effective date.

By the Committee on Criminal Justice; and Senators Peaden, Posey, Bennett and Baker—

**CS for SB 206**—A bill to be entitled An act relating to lawful ownership, possession, and use of firearms; amending s. 790.25, F.S., relating to lawful ownership, possession, and use of firearms and other weapons; providing definitions; authorizing an employee or invitee in lawful possession of a firearm to transport and store a firearm in a motor vehicle under certain conditions; authorizing an employer or its lessor to prohibit an employee or invitee from transporting, storing, or possessing a firearm under certain conditions when reasonably necessary for the safety and welfare of employees, invitees, or the general public, or to safeguard business operations; providing nonapplicability; providing for specified immunity from liability; providing enforcement by the Attorney General; providing construction; providing applicability of the act; providing an effective date.

By the Committees on Transportation; Criminal Justice; and Senators Fasano, Baker and Lynn—

**CS for CS for SB 232**—A bill to be entitled An act relating to lawful testing for alcohol, chemical substances, or controlled substances; amending s. 316.1932, F.S.; revising provisions to notify a person that refusal to submit to a lawful test of the person's breath, urine, or blood is a misdemeanor, to conform to changes made by the act; limiting information to be made available to a person tested to determine the amount of alcohol in the person's blood or breath or the presence of chemical substances or controlled substances; amending s. 316.1939, F.S.; removing prior suspension as a condition for the commission of a misdemeanor by refusal to submit to a lawful test of breath, urine, or blood; amending s. 327.352, F.S.; revising provisions to notify a person that refusal to submit to a lawful test of the person's breath, urine, or blood is a misdemeanor, to conform to changes made by the act; limiting information to be made available to a person tested to determine the amount of alcohol in the person's blood or breath or the presence of chemical substances or controlled substances; amending s. 327.359, F.S.; removing prior suspension as a condition for the commission of a misdemeanor by refusal to submit to a lawful test of breath, urine, or blood; providing an effective date.

By the Committees on Government Efficiency Appropriations; Judiciary; and Senators King and Wise—

**CS for CS for SB 256**—A bill to be entitled An act relating to scholarship program accountability; amending s. 1002.39, F.S., relating to the John M. McKay Scholarships for Students with Disabilities Program; revising the definition of the term "students with disabilities"; revising student eligibility requirements for receipt of a scholarship and restricting eligibility therefor; providing for the term of a scholarship; revising and adding school district obligations and clarifying parental options; revising and adding Department of Education obligations, including verification of eligibility of private schools and establishment of a process for notification of violations, subsequent inquiry or investigation, and certification of compliance by private schools; providing Commissioner of Education authority and obligations, including the denial, suspension, or revocation of a private school's participation in the scholarship program and procedures and timelines therefor; authorizing the Department of Education's Office of the Inspector General to release student records under certain conditions; revising private school eligibility and obligations, including compliance with specified laws and academic accountability to the parent; revising parent and student responsibilities for scholarship program participation; prohibiting power of attorney for endorsing a scholarship warrant; revising provisions relating to scholarship funding and payment; providing funding and payment requirements for former Florida School for the Deaf and the Blind students and for students exiting a Department of Juvenile Justice program; providing for the Department of Education to request a sample of endorsed warrants from the Department of Financial Services; amending s. 220.187, F.S., relating to credits for contributions to nonprofit scholarship-funding organizations; revising and providing definitions; naming the Corporate Income Tax Credit Scholarship Program; providing student eligibility requirements for receipt of a corporate income tax credit scholarship and restricting eligibility therefor; revising provisions relating to tax credits for small businesses; providing for adjustment of

the total amount of tax credits and carryforward of tax credits; providing for rescindment of tax credit allocation; revising and adding obligations of eligible nonprofit scholarship-funding organizations, including compliance with requirements for background checks of owners and operators, scholarship-funding organization ownership or operation, carryforward and transfer of funds, audits, and reports; specifying background screening requirements and procedures; requiring that certain information remain confidential in accordance with s. 213.053, F.S.; revising and adding parent and student responsibilities for scholarship program participation, including compliance with a private school's published policies, participation in student academic assessment, and restrictive endorsement of scholarship warrants; prohibiting power of attorney for endorsing a scholarship warrant; revising and adding private school eligibility requirements and obligations, including compliance with specified laws and academic accountability to parents; revising and adding Department of Education obligations, including verification of eligibility of program participants, establishment of a process for notification of violations, subsequent inquiry or investigation, certification of compliance by private schools, and selection of a research organization to analyze student performance data; providing Commissioner of Education authority and obligations, including the denial, suspension, or revocation of a private school's participation in the scholarship program and procedures and timelines thereof; authorizing the Department of Education's Office of the Inspector General to release student records under certain circumstances; revising and adding provisions relating to scholarship funding and payment, including the amount of a scholarship and the payment process; requiring adoption of rules; creating s. 1002.421, F.S., relating to accountability of private schools participating in state school choice scholarship programs; providing requirements for participation in a scholarship program, including compliance with specified state, local, and federal laws and demonstration of fiscal soundness; requiring restrictive endorsement of a scholarship warrant and prohibiting power of attorney for endorsing a warrant; requiring employment of qualified teachers and background screening of employees and contracted personnel having direct student contact; specifying background screening requirements and procedures; providing scope of authority; requiring adoption of rules; providing an effective date.

---

By the Committee on Environmental Preservation; and Senators Aranziano, Baker and Haridopolos—

**CS for SB 430**—A bill to be entitled An act relating to hunting lands; creating s. 372.0025, F.S.; providing definitions; requiring certain lands owned, managed, or leased by the Fish and Wildlife Conservation Commission to be used for the purpose of hunting; requiring the commission to support, promote, and enhance hunting opportunities; requiring the commission to provide comparable acreage for any loss of existing hunting lands; requiring agencies and water management districts to allow certain lands to be used for the purpose of hunting; providing an exemption for lands designated as units within the state park system as determined by the Division of Recreation and Parks in the Department of Environmental Protection; requiring annual reports to the commission and Legislature; providing an effective date.

---

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

**CS for SB 474**—A bill to be entitled An act relating to public records; amending s. 744.7082, F.S.; creating an exemption from public-records requirements for identifying information of persons making a donation of funds or property to the direct-support organization of the Statewide Public Guardianship Office; providing for review and repeal under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

---

By the Committees on Governmental Oversight and Productivity; and Health Care—

**CS for SB 510**—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 400.119, F.S.; reorganizing and clarifying exemptions to the public meetings and public records laws for reports to the risk manager and administrator of

certain long-term care facilities and for meetings, and records pertaining thereto; of internal risk management and quality assurance committees of such facilities; abrogating the repeal of that section; providing an effective date.

---

By the Committees on Education Appropriations; Education; and Senators Baker, Diaz de la Portilla and Campbell—

**CS for CS for SB 550**—A bill to be entitled An act relating to scholarship programs; renaming the Florida Prepaid College Program as the "Stanley G. Tate Florida Prepaid College Program"; amending s. 1009.972, F.S.; providing for the Florida Prepaid Tuition Scholarship Program to be funded with moneys retained from certain terminated or cancelled contracts under the Florida Prepaid College Program; authorizing the Florida Prepaid College Board to approve scholarship programs for such funding; requiring that any matching funds be donated by the private sector; amending s. 1009.98, F.S.; deleting a restriction on the types of postsecondary educational institutions in which a qualified beneficiary may use his or her benefits under the Florida Prepaid College Program; requiring certain advertisements to contain a disclaimer regarding the program; conforming provisions to changes made by the act; requiring that any matching funds be donated by the private sector; amending s. 1009.983, F.S.; requiring the direct-support organization of the Florida Prepaid College Board to administer the scholarship program; authorizing the board to establish and administer additional scholarship programs supported from escheated funds retained by the board if the matching funds used for the scholarships are obtained solely from the private sector; providing an effective date.

---

By the Committee on Criminal Justice; and Senator Constantine—

**CS for SB 588**—A bill to be entitled An act relating to liens; amending s. 713.135, F.S.; revising certain requirements for notice of commencement and applicability of liens which pertain to certain authorities issuing building permits; prohibiting private providers performing inspection services from performing or approving certain inspections under certain circumstances; increasing a threshold amount for certain nonapplication; prohibiting issuing authorities or building officials from requiring recordation of a notice of commencement for certain purposes; authorizing authorities issuing building permits to accept permit applications electronically; requiring an electronic application to include an electronic submission statement; requiring the provision of Internet access to electronically submitted building permit applications; amending s. 713.18, F.S.; providing for electronic verification of service of notices and other documents; amending s. 713.35, F.S.; revising the list of legal documents in which it is a crime to knowingly and intentionally include certain false information; providing penalties; amending s. 679.705, F.S.; delaying the time at which certain financing statements cease to be effective; providing effective dates.

---

By the Committees on Transportation and Economic Development Appropriations; Community Affairs; Criminal Justice; and Senator Clary—

**CS for CS for CS for SB 638**—A bill to be entitled An act relating to sheltering of sexual offenders and predators; amending s. 252.35, F.S.; requiring the Division of Emergency Management, in conjunction with specified agencies, to set forth policy guidance for the sheltering of individuals designated as sexual predators or subject to registration as sexual offenders; amending ss. 775.21 and 943.0435, F.S.; requiring sexual predators and individuals subject to registration as sexual offenders seeking shelter to adhere to specified guidelines and provisions; providing penalties; providing a finding of important state interest; providing an effective date.

---

By the Committee on Ethics and Elections; and Senator Posey—

**CS for SB 718**—A bill to be entitled An act relating to election administration; amending s. 98.093, F.S.; modifying the procedures for removing the names of deceased voters from the statewide voter registration system; repealing s. 101.23, F.S., relating to polling place procedures;

amending s. 101.043, F.S.; transferring a requirement that poll workers prevent double voting; amending s. 101.131, F.S.; transferring a requirement that poll watchers have access to certain information about electors; providing an effective date.

By the Committee on General Government Appropriations; and Senator Argenziano—

**CS for SB 726**—A bill to be entitled An act relating to private investigative, private security, and repossession services; amending s. 493.6106, F.S.; increasing the minimum age required for certain licensees; amending s. 493.6113, F.S.; conforming a provision requiring certification of insurance coverage; requiring certain licensees to complete specified continuing education; requiring the Department of Agriculture and Consumer Services to establish by rule criteria for the approval of continuing education courses and providers and the form for certificates of completion; amending s. 493.6202, F.S.; requiring the department to establish by rule certain fees relating to private investigative services; amending s. 493.6203, F.S.; requiring passage of an examination for licensure as a private investigator; providing an exemption for certain licensees; requiring reexamination for relicensure under certain circumstances; requiring successful completion of certain coursework and passage of an examination for licensure as a private investigator intern; requiring the department to establish by rule the general content and the form for certificates of completion of such training and criteria for the examination; requiring reexamination for relicensure under certain circumstances; amending s. 493.6406, F.S.; revising the information that is required to be included in an application for licensure as a repossession services school or training facility; providing an effective date.

By the Committees on Transportation and Economic Development Appropriations; Domestic Security; and Senators Diaz de la Portilla and Fasano—

**CS for CS for SB 862**—A bill to be entitled An act relating to emergency management; providing legislative findings with respect to the need for improvements in the state's infrastructure in response to the hurricane seasons of 2004 and 2005; providing for the Legislature to make funds available to local and state agencies through appropriations to the Department of Community Affairs; requiring the department to establish a statewide grant application process; providing criteria for an appropriation to fund the construction or renovation of county emergency operations centers; providing limitations on the use of such funds; requiring that the release of funds be approved by the Legislative Budget Commission; providing criteria for an appropriation to fund equipping public special-needs hurricane evacuation shelters with the permanent capacity to generate emergency power; providing criteria for an appropriation for retrofitting public hurricane evacuation shelters; requiring that the release of funds be approved by the Legislative Budget Commission; providing for funds to be appropriated to improve the logistical staging and warehouse capacity of commodities used following a disaster; providing for funds to be appropriated for the purpose of hurricane evacuation planning; providing appropriations; providing an effective date.

By the Committee on Ethics and Elections; and Senator Fasano—

**CS for SB 880**—A bill to be entitled An act relating to the code of ethics for public officers and employees; amending s. 112.312, F.S.; revising definitions of the terms "agency" and "corruptly"; defining the term "quasi-public entity"; amending s. 112.313, F.S.; applying provisions of the code which prohibit doing business with one's agency, prohibit conflicting employment or contractual relationships, and limit permissible representations following termination of office or employment to officers and employees of quasi-public entities; providing penalties; amending s. 112.317, F.S.; providing specified penalties for quasi-public officers, former quasi-public officers, and agency employees; providing for procedure against certain complaints filed with malicious intent against quasi-public officers or employees; amending s. 112.324, F.S.; requiring the Commission on Ethics to report findings on investigations of quasi-public officers and employees and former quasi-public officers and employees to the Governor; providing for the management of certain finan-

cial interests by a member of the Cabinet; providing for certain provisions in the Code of Ethics to apply to the management of such financial interests; providing for severability; providing an effective date.

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

**CS for CS for SB 954**—A bill to be entitled An act relating to transportation; amending s. 316.650, F.S.; revising procedures for disposition of citations issued for failure to pay toll; providing that the citation will not be submitted to the court and no points will be assessed on the driver's license if the person cited elects to make payment directly to the governmental entity that issued the citation; providing for reporting of the citation by the governmental entity to the Department of Highway Safety and Motor Vehicles; amending s. 318.14, F.S.; providing for the amount required to be paid under certain procedures for disposition of a citation issued for failure to pay a toll; providing for the person cited to request a court hearing; amending s. 318.18, F.S.; revising penalties for failure to pay a prescribed toll; providing for disposition of amounts received by the clerk of court; revising procedures for withholding of adjudication; providing for suspension of a driver's license under certain circumstances; amending s. 348.754, F.S.; authorizing the Orlando-Orange County Expressway Authority to waive payment and performance bonds on certain construction contracts if the contract is awarded pursuant to an economic development program for the encouragement of local small businesses; providing criteria for participation in the program; providing criteria for the bond waiver; providing for certain determinations by the authority's executive director or a designee as to the suitability of a project; providing for certain payment obligations if a payment and performance bond is waived; requiring the authority to record notice of the obligation; limiting eligibility to bid on the projects; providing for the authority to conduct bond-eligibility training for certain businesses; requiring the authority to submit biennial reports to the Orange County legislative delegation; amending s. 348.0004, F.S.; authorizing transportation authorities, bridge authorities, or toll authorities to enter agreements with private entities to provide transportation facilities; amending s. 348.0012, F.S.; clarifying certain exemptions from the Florida Expressway Authority Act; providing an effective date.

By the Committees on Governmental Oversight and Productivity; Criminal Justice; and Senators Wise, King, Smith, Lynn, Wilson, Haridopolos and Crist—

**CS for SB 1052**—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding autopsy photographs and video and audio recordings; amending s. 406.135, F.S., which provides an exemption from public-records requirements for photographs and video and audio recordings of an autopsy in the custody of a medical examiner; reorganizing the section and making editorial changes; removing the scheduled repeal of the exemption; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senators Clary, Lynn, Crist and Aronberg—

**CS for SB 1064**—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.091, F.S.; increasing the period of time in which members of the system who are employed as certain administrative personnel in grades K-12 may participate in the Deferred Retirement Option Program; providing a declaration of important state interest; providing an effective date.

By the Committees on Transportation and Economic Development Appropriations; Commerce and Consumer Services; and Senators King and Crist—

**CS for CS for SB 1132**—A bill to be entitled An act relating to enterprise zones; amending s. 195.099, F.S.; revising the expiration date of provisions governing the assessment of new, rebuilt, or expanded businesses to coincide with the expiration of the Florida Enterprise Zone Act; amending s. 212.08, F.S.; limiting the tax exemption provided for

the rehabilitation of real property to one parcel of real property unless there is a change in ownership, a new lessor, or a new lessee; providing for retroactive application; amending ss. 212.096 and 220.03, F.S.; redefining the term "new job has been created" for purposes of the enterprise zone jobs credit against the sales tax and the income tax code; amending s. 220.13, F.S.; revising the expiration date of a provision requiring that certain wages, salaries, and ad valorem school taxes be added to adjusted federal income; amending s. 220.181, F.S.; revising the requirement for demonstrating an increase in the number of jobs for purposes of qualifying for the enterprise zone jobs credit; amending s. 290.0055; requiring notification of a proposed change to an enterprise zone boundary; providing an effective date.

By the Committees on General Government Appropriations; Commerce and Consumer Services; and Senators Bennett and Fasano—

**CS for CS for SB 1168**—A bill to be entitled An act relating to resale of tickets; repealing s. 559.9335(8), F.S., related to the prohibition of selling or marketing certain admissions tickets above their retail value; creating s. 817.357, F.S.; providing that purchasing tickets in excess of the maximum number allowed with the intent to resell those tickets is a violation of the Florida Deceptive and Unfair Trade Practices Act; amending s. 817.36, F.S.; deleting the prohibition on the resale of tickets; providing an effective date.

By the Committee on Environmental Preservation; and Senators Constantine and Baker—

**CS for SB's 1338 and 1794**—A bill to be entitled An act relating to the Wekiva Onsite Sewage Treatment and Disposal System Compliance Grant Program; creating the program in the Department of Health; providing purposes; authorizing certain property owners in certain areas of the Wekiva basin to apply for grants for certain purposes; providing grant limitations; providing for the grant as a rebate of costs incurred; requiring documentation of costs; requiring the department to adopt rules to administer the grant program; providing an effective date.

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

**CS for 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; providing for a study of the feasibility of zones where no notification is required; requiring a report to the Legislature; 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; provid-

ing 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 Criminal Justice; and Senator Posey—

**CS for SB 1474**—A bill to be entitled An act relating to reemployment after retirement; amending s. 943.1395, F.S.; limiting the terms of reemployment for certain law enforcement, correctional, and correctional probation officers; providing certain exceptions; conforming cross-references; amending s. 943.22, F.S.; conforming a cross-reference; providing an effective date.

By the Committees on General Government Appropriations; Government Efficiency Appropriations; and Senator Haridopolos—

**CS for CS for SB 1508**—A bill to be entitled An act relating to property taxes; amending s. 200.071, F.S.; authorizing counties to cap annual growth in ad valorem tax revenues by charter if approved by a three-fifths vote of the electorate; providing requirements and limitations; providing an exception; prohibiting ad valorem tax levies by counties in excess of amounts specified in the county charter; prohibiting ad valorem tax levies by counties through municipal service taxing units in excess of amounts specified in the ordinance establishing the unit; providing an effective date.

By the Committees on Governmental Oversight and Productivity; and Banking and Insurance—

**CS for SB 1584**—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding deferred presentment providers; amending s. 560.4041, F.S., which provides an exemption from public-records requirements for information that identifies a drawer or a deferred presentment provider contained in the database for deferred presentment providers maintained by the Office of Financial Regulation of the Financial Services Commission; making clarifying and editorial changes; removing superfluous provisions; removing the scheduled repeal of the exemption; providing an effective date.

By the Committees on Regulated Industries; Agriculture; and Senator Baker—

**CS for CS for SB 1654**—A bill to be entitled An act relating to animal health care services; amending s. 474.203, F.S.; providing that ch. 474, F.S., relating to veterinary medical practice, does not apply to a part-time worker or an independent contractor who is hired by the owner of an animal or a herd or flock of animals to provide certain services concerning such animal, herd, or flock; providing for retroactive application; providing an effective date.

By the Committees on Governmental Oversight and Productivity; Criminal Justice; and Senator Wise—

**CS for CS for SB 1736**—A bill to be entitled An act relating to drug testing within the Department of Corrections; amending s. 944.474, F.S.; authorizing the department to develop a program for testing employees who are in safety-sensitive and high-risk positions for certain controlled substances based upon a reasonable suspicion; providing for the reasonable suspicion to include violent acts or behavior of an employee while on or off duty; requiring that the department adopt rules; providing an effective date.

By the Committees on Education; Children and Families; and Senators Rich and Lynn—

**CS for 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; deleting certain time restrictions for submitting applications; 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; requiring the department to submit a report annually to the Legislature on performance, oversight, and rule development; 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 Community Affairs; and Senator Saunders—

**CS for SB 1862**—A bill to be entitled An act relating to transportation concurrency management; amending s. 163.3180, F.S.; providing an exception to certain in-place or under-actual-construction requirements for transportation facilities serving new developments for certain stricter concurrency requirements by local governments; providing an effective date.

By the Committee on Community Affairs; and Senator Argenziano—

**CS for SB 1878**—A bill to be entitled An act relating to traffic control; amending s. 316.2045, F.S.; exempting certain nonprofit organizations from permit requirements related to obstructing streets or roads for solicitation purposes; establishing conditions that certain nonprofit organizations must meet in order to solicit charitable donations on certain streets, roads, and rights-of-way; authorizing local governments to halt solicitation activities if such conditions are not met; providing an effective date.

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

**CS for SB 1888**—A bill to be entitled An act relating to the Department of Community Affairs; amending s. 20.18, F.S.; providing that the Director of the Division of Emergency Management be designated as agency head of the division; providing for the director to be appointed by the Governor; providing that the division is a separate budget entity, not subject to control by the department; providing for an agreement between the division and department for certain services; prescribing duties of the division; providing an effective date.

By the Committee on Education; and Senators Wilson, Rich, Jones, Bennett, Hill, Smith, Peaden, Geller, Margolis, Lawson, Campbell, Bulard and Miller—

**CS for SB 1896**—A bill to be entitled An act relating to adoption benefits; amending s. 110.152, F.S.; defining the term "qualifying adoptive parent"; expanding the categories of persons who are eligible to be qualifying adoptive parents; providing that a qualifying adoptive parent who adopts a special-needs child is eligible to receive a specified monetary benefit that is paid to the adoptive parent in equal monthly installments over a 1-year period; amending s. 110.15201, F.S.; authorizing the Department of Management Services to adopt rules to administer the adoption benefits program; providing an effective date.

By the Committees on Government Efficiency Appropriations; Criminal Justice; Transportation; and Senators Wise and Crist—

**CS for CS for CS for SB 2020**—A bill to be entitled An act relating to speed limit enforcement on state roads; creating s. 316.1893, F.S.; providing legislative intent; creating a pilot program for establishment by the Department of Transportation of enhanced penalty zones on state roads in certain counties; providing for future review and repeal of the pilot program; authorizing the department to set speed limits within enhanced penalty zones; directing the department to adopt a uniform system of traffic control devices to be used within the zones; prohibiting operation of a vehicle at a speed greater than that posted in the enhanced penalty zone; directing the Department of Highway Safety and Motor Vehicles to tabulate citations issued within enhanced penalty zones and make available certain information; directing the Department of Transportation, the Department of Highway Safety and Motor Vehicles, and the Department of Education to conduct a study and report to the Governor and the Legislature for certain purposes; amending s. 318.18, F.S.; specifying criteria for posting in a construction zone; providing penalties for violation of posted speed in an enhanced penalty zone; amending s. 318.21, F.S.; correcting cross-references to conform to changes made by the act; providing for disposition of fines collected; reenacting ss. 318.14(2), (5), and (9), 318.15(1)(a) and (2), 318.21(7), 402.40(4)(b), and 985.406(4)(b), F.S., relating to noncriminal traffic infraction procedures, failure to comply with civil penalty or to appear, disposition of civil penalties by county courts, child welfare training, and juvenile justice training academies, respectively, for the purpose of incorporating the amendment made to s. 318.18, F.S., in references thereto; providing an effective date.

By the Committee on General Government Appropriations; and Senator Clary—

**CS for SB 2062**—A bill to be entitled An act relating to environmental permitting; amending s. 373.4145, F.S.; requiring the Northwest Florida Water Management District and the Department of Environmental Protection to jointly develop rules for the regulation of certain activities related to stormwater management systems and the management and storage of surface waters; requiring the district and the department to streamline federal and state wetland permitting programs and to implement such measures; requiring certain exemptions and provisions for rules relating to certain dwellings; requiring the department and the district to enter into an operating agreement for the implementation of certain provisions; requiring the district to be responsible for the regulation and local delegation of certain activities; repealing certain provisions upon the adoption of rules; removing a repealer provision; providing an appropriation; providing an effective date.

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

**CS for SB 2066**—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute; amending s. 1004.445, F.S., which provides an exemption from public-records requirements for personal identifying information relating to clients of programs created or funded through the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute and held by the institute, the

University of South Florida, or the State Board of Education, medical or health records relating to patients held by the institute, materials that relate to methods of manufacture or production, potential trade secrets, potentially patentable material, actual trade secrets, or proprietary information received, generated, ascertained, or discovered during the course of research conducted by or through the institute and business transactions resulting from such research, personal identifying information of a donor or prospective donor to the institute who wishes to remain anonymous, and any information received by the institute from a person from another state or nation or the Federal Government which is otherwise confidential or exempt pursuant to the laws of that state or nation or pursuant to federal law; narrowing the exemption; making editorial changes; removing superfluous provisions; removing the scheduled repeal of the exemption; providing an effective date.

---

By the Committee on Environmental Preservation—

**CS for SB 2070**—A bill to be entitled An act relating to state lands; amending s. 253.002, F.S.; clarifying the duties of the Department of Environmental Protection, the water management districts, and the Department of Agriculture and Consumer Services with respect to state lands; authorizing the Board of Trustees of the Internal Improvement Trust Fund to delegate certain duties; amending s. 253.025, F.S.; conforming a cross-reference; amending s. 253.03, F.S., relating to the administration of state lands by the board of trustees; requiring that an inventory of publicly owned lands identify lands exchanged by the state and surplus lands sold by the state; requiring the Department of Revenue to submit current tax roll data to the board of trustees and to the Division of State Lands to be used for inventory purposes; amending s. 253.034, F.S.; reorganizing provisions for clarity; revising and providing definitions; clarifying requirements for the use of lands acquired for greenways and trails; requiring that all management agreements, leases, or other instruments authorizing the use of state lands be reviewed by the board of trustees or its designee; authorizing the Division of State Lands to review subleases for conservation lands less than 160 acres in size; providing for the Acquisition and Restoration Council to review only land management plans for conservation lands; revising requirements relating to the disposal of state lands; requiring that state lands determined to be eligible for sale by the board of trustees be designated as surplus lands; providing that lands determined by the board to be eligible for exchange may not be designated as surplus lands; requiring that the sale or exchange of state conservation lands result in a net positive conservation benefit; authorizing the Division of State Lands to recommend the sale or exchange of nonconservation lands directly to the board of trustees; providing presumption that nonconservation lands are surplus lands; requiring the Division of State Lands to recommend to the board the sale or exchange of nonconservation lands; providing an exception; authorizing the Acquisition and Restoration Council to recommend to the board of trustees that the sale or management of state conservation lands is more appropriate to a county or other unit of local government; expanding the purposes for which a county or local government may use lands purchased from or exchanged with the state; providing for the Division of State Lands to recommend to the board of trustees that the sale or management of nonconservation lands is more appropriate to a county or other unit of local government; providing that local government uses of nonconservation lands may not be limited by the board of trustees; requiring that all requests for the sale or exchange of state lands be submitted in writing to the lead managing agency; requiring that requests be reviewed by the lead managing agency within a specified timeframe; establishing a process for the Division of State Lands or the Acquisition and Restoration Council to hear requests not heard by the lead managing agency in a timely fashion; requiring that the denial of all requests be made in writing and include the reason for denial; requiring that the Division of State Lands keep records documenting all requests for the sale or exchange of state lands; providing circumstances in which state lands being sold or exchanged need not be offered first to local or state governments; requiring state agencies collecting information that may be useful to the Division of State Lands in preparing the state inventory of lands to share that information with the division; requiring that the state inventory of lands be completed by a specified date; removing obsolete language; amending s. 253.0341, F.S.; providing for requests by counties and units of local government for the sale or exchange of state lands to be submitted in writing to the board of trustees; authorizing the board of trustees to sell or exchange state nonconservation lands without a review by the Division of State Lands; removing the authority of the Acquisition and Restoration Council to review the requests; requiring submission of requests

within a certain period of time; providing an exception for property being offered for sale or exchange by the state to a county or unit of local government under certain conditions; amending s. 253.111, F.S.; revising certain inconsistent requirements in notice provisions; amending s. 253.115, F.S.; clarifying the requirements for public notice and hearing prior to the sale, exchange, lease, or grants of easement on, over, under, and above state lands; amending s. 253.42, F.S.; revising requirements for the exchange of state lands by the board of trustees; providing for the uses of exchanged lands by counties and units of local government; providing that board of trustees' rules may not limit the use of exchanged lands by a county or unit of local government; amending s. 259.032, F.S.; deleting obsolete provisions relating to land acquisitions; deleting provisions relating to land management and payments in lieu of taxes; clarifying that the board of trustees rather than the Legislature may authorize the department to pursue condemnation of property; creating s. 259.0321, F.S.; establishing additional procedures governing the management of conservation lands; clarifying conditions under which certain moneys in the Conservation and Recreation Lands Trust Fund may be used for management, maintenance, capital improvements, and contractual services for conservation lands; amending s. 259.0322, F.S.; providing for payment in lieu of taxes to qualifying counties and local governments; establishing qualifications; providing conditions on which payments are based; amending s. 259.035, F.S.; clarifying a requirement that the Acquisition and Restoration Council provide assistance to the board of trustees in reviewing plans for state conservation lands; deleting duplicative rulemaking authority; amending s. 259.04, F.S.; deleting obsolete provisions; clarifying a requirement that the Acquisition and Restoration Council or its successor provide assistance to the board of trustees; amending s. 259.105, F.S., relating to the Florida Forever program; revising requirements for the acquisition of inholdings and additions; providing rulemaking authority to the board of trustees; revising requirements for the development of a project acquisition list; recognizing the importance of military installations in the state; requiring the Acquisition and Restoration Council to give increased priority to projects that buffer military installations and other delineated areas; deleting obsolete provisions; conforming cross-references; amending ss. 201.15, 253.027, 259.036, 259.101, 259.1051, 260.015, 375.045, and 380.0666, F.S.; clarifying certain references and conforming cross-references to changes made by the act; repealing ss. 253.421, 253.422, 270.07, and 270.08, F.S., relating to lands proposed for exchange considered of equal value; "Chapman Exchange" lands, the sale of certain public lands without notice, and notice requirements for the sale of public lands; providing effective dates.

---

By the Committees on General Government Appropriations; Environmental Preservation; and Senator Bennett—

**CS for CS for SB 2102**—A bill to be entitled An act relating to land management; creating s. 259.1053, F.S.; creating the Babcock Ranch Preserve Act; providing a short title; providing definitions; requiring the Division of State Lands of the Department of Environmental Protection to perform certain staff duties and functions for Babcock Ranch, Inc.; creating Babcock Ranch, Inc., a not-for-profit corporation to be incorporated in the state; providing that the corporation shall act as an instrumentality of the state for purposes of sovereign immunity under s. 768.28, F.S.; providing that the corporation shall not be an agency under s. 20.03, F.S.; providing that the corporation is subject to the provisions of chs. 119 and 286, F.S., requiring public records and meetings; providing for the corporation to be governed by the Babcock Board of Directors; providing for the appointment of board members and terms of office; prohibiting any board member from voting on any measure that constitutes a conflict of interest; providing for the board members to serve without compensation, but to receive per diem and travel expenses; authorizing state agencies to provide state employees for purposes of implementing the Babcock Ranch Preserve; providing certain powers and duties of the corporation; providing limitations on the powers and duties of the corporation; providing that the corporation and its subsidiaries must provide equal employment opportunities; providing for the corporation to establish and manage an operating fund; requiring an annual financial audit of the accounts and records of the corporation; requiring annual reports by the corporation to the Board of Trustees of the Internal Improvement Trust Fund, the Legislature, the Department of Agriculture and Consumer Services, and the Fish and Wildlife Conservation Commission; requiring that the corporation prepare an annual budget; specifying a goal of self-sustaining operation within a certain

period; providing for the corporation to retain donations and other moneys; requiring that the corporation adopt articles of incorporation and bylaws subject to the approval of the Board of Trustees of the Internal Improvement Trust Fund; authorizing the corporation to appoint advisory committees; providing requirements for a comprehensive business plan; specifying the procedures by which the corporation shall assume the management and operation of the Babcock Ranch Preserve; prohibiting the corporation from taking certain actions without the consent of the Board of Trustees of the Internal Improvement Trust Fund; requiring that the corporation be subject to certain state laws and rules governing the procurement of commodities and services; authorizing the corporation to assess fees; providing for management of the Babcock Ranch Preserve until expiration of a current management agreement; providing for reversion of the management and operation responsibilities to certain agencies upon the dissolution of the corporation; providing that the corporation may be dissolved only by an act of the Legislature; providing for reversion of funds upon the dissolution of the corporation; providing an appropriation; providing a contingent effective date.

---

By the Committee on Criminal Justice; and Senator Crist—

**CS for SB 2108**—A bill to be entitled An act relating to vehicular accidents involving death or personal injuries; providing a short title; amending s. 316.027, F.S.; requiring a court to sentence a driver of a vehicle to a minimum term of imprisonment if the person is driving under the influence and leaves the scene of a crash that results in death; requiring a court to order the driver of a vehicle to make restitution to the victim for any damage or loss if a driver leaves the scene of an accident that results in injury or death; requiring a court to make the payment of restitution a condition of probation; providing that an order requiring the defendant to make restitution to a victim does not remove or diminish the requirement that the court order payment to the Crimes Compensation Trust Fund; amending s. 316.193, F.S.; requiring that a person convicted of DUI manslaughter be sentenced to a mandatory minimum term of imprisonment; amending s. 921.0021, F.S.; allowing assessment of victim injury points for certain offenses if the court finds that the offender caused victim injury; providing an effective date.

---

By the Committees on Environmental Preservation; Transportation; and Senator Baker—

**CS for CS for SB 2128**—A bill to be entitled An act relating to vessels; amending s. 206.606, F.S.; authorizing the use of certain funds for local boating related projects and activities; amending s. 327.59, F.S.; authorizing marina owners, operators, employees, and agents to take actions to secure vessels during severe weather and to charge fees and be held harmless for such service; holding marina operators, employees, and agents liable for damage caused by intentional acts or negligence while removing or securing vessels; authorizing contract provisions and providing contract notice requirements relating to removing or securing vessels; amending s. 327.60, F.S.; providing for local regulation of anchoring within mooring fields; amending s. 328.64, F.S.; requiring the Department of Highway Safety and Motor Vehicles to provide forms for certain notification related to vessels; requiring the department to provide by rule for the surrender and replacement of certificates of registration to reflect change of address; amending s. 328.72, F.S.; requiring counties to use funds for specific boating related purposes; requiring counties to provide reports demonstrating specified expenditure of such funds; providing penalties for failure to comply; amending s. 376.11, F.S.; authorizing the distribution of revenues from the Florida Coastal Protection Trust Fund to all local governments for the removal of certain vessels; amending s. 376.15, F.S.; revising provisions relating to the removal of abandoned and derelict vessels; specifying officers authorized to remove such vessels; providing that certain costs are recoverable; requiring the Department of Legal Affairs to represent the Fish and Wildlife Conservation Commission in certain actions; expanding eligibility for disbursement of grant funds for the removal of certain vessels; amending s. 403.813, F.S.; providing exemptions from permitting, registration, and regulation of floating vessel platforms or floating boat lifts by a local government; authorizing local governments to require certain permits or registration for floating vessel platforms or floating boat lifts under certain circumstances; amending s. 705.101, F.S.; revising the definition of “abandoned property” to include certain vessels; amending s. 705.103, F.S.; revising the terminology relating to abandoned or lost

property to conform; amending s. 823.11, F.S.; revising provisions relating to abandoned and derelict vessels and the removal of such vessels; providing a definition of “derelict vessel”; specifying which officers may remove such vessels; directing the Fish and Wildlife Conservation Commission to implement a plan for the procurement of federal disaster funds for the removal of derelict vessels; requiring the Department of Legal Affairs to represent the commission in certain actions; deleting a provision authorizing the commission to delegate certain authority to local governments under certain circumstances; authorizing private property owners to remove certain vessels with required notice; providing that cost of such removal is recoverable; prohibiting private property owners from hindering the removal of certain vessels by vessel owners or agents; providing for jurisdictional imposition of civil penalties for violations relating to certain vessels; providing an effective date.

---

By the Committees on Education Appropriations; Education; and Judiciary—

**CS for CS for CS for SJR 2170**—A joint resolution proposing the creation of Section 8 of Article IX of the State Constitution relating to education.

---

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

**CS for SB 2214**—A bill to be entitled An act relating to the licensure of health care providers; amending s. 383.335, F.S.; exempting certain facilities from a provision prohibiting a birth center from providing conduction anesthesia; requiring that the Agency for Health Care Administration review patient safety data for purposes of determining the viability of statewide application of the exemption; creating parts I, II, III, and IV of ch. 408, F.S.; amending s. 408.036, F.S.; exempting a nursing home that is created by combining certain licensed beds from requirements for obtaining a certificate of need from the Agency for Health Care Administration; providing for future repeal; creating s. 408.801, F.S.; designating part II of ch. 408, F.S., consisting of ss. 408.801-408.820, F.S., as the “Health Care Licensure Procedures Act”; providing legislative findings and purpose; creating s. 408.802, F.S.; providing applicability; creating s. 408.803, F.S.; providing definitions; creating s. 408.804, F.S.; requiring providers to have and display a license from the Agency for Health Care Administration; providing limitations; creating s. 408.805, F.S.; establishing license fees; providing a method for calculating annual adjustment of fees; creating s. 408.806, F.S.; providing a license application process; requiring specified information to be included on the application; requiring payment of late fees under certain circumstances; requiring inspections; providing an exception; authorizing the Agency for Health Care Administration to establish procedures and rules for the electronic transmission of required information; creating s. 408.807, F.S.; providing procedures for a change of ownership by a licensee; requiring the transferor to notify the agency in writing within a specified period; providing for duties and liability of the transferor; providing for maintenance of records; creating s. 408.808, F.S.; providing license categories and requirements therefor; creating s. 408.809, F.S.; requiring background screening of specified employees; providing for submission of proof of compliance, under certain circumstances; providing conditions for granting provisional and standard licenses; providing an exception to screening requirements; creating s. 408.810, F.S.; providing minimum licensure requirements; providing procedures for discontinuance of operation and surrender of a license; requiring forwarding of client records; requiring publication of a notice of discontinuance of operation by a provider; providing penalties; providing for statewide toll-free telephone numbers for reporting complaints and abusive, neglectful, or exploitative practices; requiring that a provider provide proof of a legal right to occupy property, proof of insurance, and proof of financial viability, under certain circumstances; requiring disclosure of information relating to financial instability; providing a penalty; prohibiting the agency from licensing a health care provider that does not have a certificate of need or an exemption; creating s. 408.811, F.S.; providing for inspections and investigations by the agency to determine compliance; providing that inspection reports are public records; requiring retention of records for a specified period; creating s. 408.812, F.S.; prohibiting certain unlicensed activity by a provider; requiring unlicensed providers to cease activity; providing penalties; requiring the reporting of unlicensed providers; creating s. 408.813, F.S.; authorizing the agency to impose administrative fines; creating s. 408.814, F.S.; providing conditions for the agency to impose a moratorium or emergency suspension

against a provider; requiring notice; creating s. 408.815, F.S.; providing grounds for denial or revocation of a license or change-of-ownership application; providing conditions for continuing operation; exempting renewal applications from provisions requiring the agency to approve or deny an application within a specified period, under certain circumstances; creating s. 408.816, F.S.; authorizing the agency to institute injunction proceedings, under certain circumstances; creating s. 408.817, F.S.; providing a basis for review of administrative proceedings challenging licensure enforcement action by the agency; creating s. 408.818, F.S.; requiring fees and fines related to health care licensing to be deposited into the Health Care Trust Fund; creating s. 408.819, F.S.; authorizing the agency to adopt rules; providing a timeframe for compliance; creating s. 408.820, F.S.; providing exemptions from specified requirements of part II of ch. 408, F.S.; amending s. 400.801, F.S.; providing that the definition of the term "homes for special services" applies to sites licensed by the agency after a certain date; amending s. 400.9905, F.S.; providing that the term "clinic" does not include certain employee stock ownership plans for purposes of the Health Care Clinic Act; revising the types of entities providing oncology or radiation therapy services which are included within the definition of the word "entities" for purposes of the Health Care Clinic Act; excluding certain entities providing emergency department staff or anesthesia services in facilities licensed under ch. 395, F.S., from the definition of "clinic"; amending s. 408.831, F.S.; revising provisions relating to agency action to deny, suspend, or revoke a license, registration, certificate, or application; conforming cross-references; amending s. 400.991, F.S.; prohibiting licensure of health care clinics when owned by specified entities licensed under the insurance code; providing for priority of application in case of conflict; authorizing the agency to adjust annual licensure fees to provide biennial licensure fees; requiring the Division of Statutory Revision to assist in preparing conforming legislation; authorizing the agency to issue licenses for less than a specified time period and providing conditions therefor; providing an effective date.

---

By the Committee on Ethics and Elections; and Senator Wilson—

**CS for SB 2230**—A bill to be entitled An act relating to restoration of voting rights; providing a short title; providing findings and purpose; creating s. 944.294, F.S.; providing for automatic restoration of a former felon's right to vote following completion of his or her sentence of incarceration and community supervision; providing conditions for and exemptions from automatic restoration; providing for education on the voting rights of people with felony convictions; amending ss. 97.052, 97.053, 98.045, 98.093, 940.061, 944.292, 944.293, and 944.705, F.S., to conform; providing applicability; providing a contingent effective date.

---

By the Committees on Education; and Judiciary—

**CS for CS for SB 2234**—A bill to be entitled An act relating to education; creating s. 1008.3455, F.S.; expressing the intent of the Legislature to create a program to enhance failing schools; requiring the Commissioner of Education to develop and submit such a program to the Legislature; prescribing elements of the program; requiring the creation of an advisory committee; requiring consultation with specified entities; requiring an annual report; amending s. 220.187, F.S.; clarifying that the tax credit program applies to students in families having limited financial resources; providing scholarship eligibility to students receiving opportunity scholarships during the 2005-2006 school year for a limited amount of time; providing that a scholarship funding organization may be approved to provide scholarships under two tax credit programs; requiring separate accounting; authorizing scholarship funding organizations to transfer surplus funds between two programs under specified circumstances; creating s. 220.1875, F.S.; providing a purpose; defining terms; prescribing obligations of school districts to inform parents about failing schools; authorizing students at such schools to attend a high-performing school in the same district; providing a credit against the corporate income tax for contributions to nonprofit scholarship-funding organizations; providing limitations; providing for use of such contributions for scholarships for students attending certain failing schools to attend nonpublic schools or public schools in adjacent districts; providing requirements and limitations with respect to scholarships; providing for payment; establishing eligibility for nonpublic school participation; providing for administration by the Department of Revenue and the Department of Education; providing for rules; providing requirements for deposit of eligible contributions; amending s.

213.053, F.S.; conforming provisions to the creation of the tax credit scholarship program for families of students in failing schools; authorizing the Department of Revenue to share certain tax information with the Department of Education; amending s. 220.02, F.S.; revising legislative intent with respect to the order in which corporate income tax credits are applied to conform to the creation of the tax credit scholarship program for families of students in failing schools; amending s. 220.13, F.S.; revising the definition of the term "adjusted federal income" to account for the creation of the tax credit scholarship program for families of students in failing schools; providing for the credit to be an addition to taxable income; amending s. 220.701, F.S.; directing the Department of Revenue to deposit moneys received through the corporate income tax into the Corporate Income Tax Trust Fund rather than the General Revenue Fund; amending s. 1001.10, F.S.; conforming provisions to the repeal of the Opportunity Scholarship Program; authorizing the Commissioner of Education to prepare and publish reports related to specified tax credit programs; amending ss. 1001.42 and 1002.20, F.S.; conforming provisions to the repeal of the Opportunity Scholarship Program and the creation of the tax credit program for families of students attending schools failing to make adequate progress; repealing s. 1002.38, F.S., which authorizes the Opportunity Scholarship Program; amending s. 1002.39, F.S., to conform to the repeal of the Opportunity Scholarship Program; providing an effective date.

---

By the Committee on Community Affairs; and Senator Webster—

**CS for SB 2300**—A bill to be entitled An act relating to transportation; amending s. 339.08, F.S.; allowing moneys in the State Transportation Trust Fund to be used to pay the cost of the Enhanced Bridge Program; creating s. 339.282, F.S.; creating the Enhanced Bridge Program for Sustainable Transportation within the Department of Transportation; providing for the use of funds in the program; providing project guidelines for program funding; providing an effective date.

---

By the Committee on Community Affairs; and Senator Sebesta—

**CS for SB 2312**—A bill to be entitled An act relating to discretionary sales surtaxes; amending s. 212.055, F.S.; redesignating the charter county transit system surtax as the charter county transportation system surtax; providing that the proposal to adopt such a discretionary sales surtax and create a trust fund may be placed on the ballot pursuant to an initiative petition if the county charter so provides; providing additional purposes for which the proceeds from the surtax may be used; removing a prohibition against the issuance, by a school district, county, or municipality, of more than one bond each year pledging proceeds of certain discretionary taxes; allowing counties that are not charter counties to levy, by ordinance, a county transportation system surtax; requiring that a discretionary sales surtax that is to be adopted by referendum be placed on the ballot at a time set at the discretion of the governing body of a county; requiring that the proceeds from a surtax be distributed to a county and to each municipality within the county according to an interlocal agreement or an apportionment factor; providing that the proceeds from the surtax be used for certain purposes as considered appropriate by the county commission; providing an effective date.

---

By the Committee on Regulated Industries; and Senator Bennett—

**CS for SB 2358**—A bill to be entitled An act relating to community associations; creating s. 712.11, F.S.; providing for the revival of certain covenants that have lapsed; amending s. 718.106, F.S.; prohibiting local ordinances that limit the access of certain persons to beaches that adjoin condominiums; amending s. 718.110, F.S.; revising provisions relating to the amendment of declarations; providing legislative findings and a finding of compelling state interest; providing criteria for consent to an amendment; requiring notice regarding proposed amendments to mortgagees; providing criteria for notification; providing for voiding certain amendments; amending s. 718.112, F.S.; revising the implementation date for retrofitting of common areas with a sprinkler system; amending s. 718.114, F.S.; providing that certain leaseholds, memberships, or other possessory or use interests shall be considered a material alteration or substantial addition to certain real property; amending s. 718.404, F.S.; providing retroactive application of provisions relating to

mixed-use condominiums; amending s. 719.103, F.S.; providing a definition; amending s. 719.507, F.S.; prohibiting laws, ordinances, or regulations that apply only to improvements that are or may be subjected to an equity club form of ownership; amending s. 720.302, F.S.; revising governing provisions relating to corporations that operate residential homeowners' associations; amending s. 720.303, F.S.; revising application to include certain meetings; requiring the association to provide certain information to prospective purchasers or lienholders; authorizing the association to charge a reasonable fee for providing certain information; requiring the budget to provide for annual operating expenses; authorizing the budget to include reserve accounts for capital expenditures and deferred maintenance; providing a formula for calculating the amount to be reserved; authorizing the association to adjust replacement reserve assessments annually; authorizing the developer to vote to waive the reserves or reduce the funding of reserves for a certain period; revising provisions relating to financial reporting; revising time periods in which the association must complete its reporting; repealing s. 720.303(2), F.S., as amended, relating to board meetings, to remove conflicting versions of that subsection; creating s. 720.3035, F.S.; providing for architectural control covenants and parcel owner improvements; authorizing the review and approval of plans and specifications; providing limitations; providing rights and privileges for parcel owners as set forth in the declaration of covenants; amending s. 720.305, F.S.; providing that, where a member is entitled to collect attorney's fees against the association, the member may also recover additional amounts as determined by the court; amending s. 720.306, F.S.; providing that certain mergers or consolidations of an association shall not be considered a material or adverse alteration of the proportionate voting interest appurtenant to a parcel; amending s. 720.307, F.S.; requiring developers to deliver financial records to the board in any transition of association control to members; requiring certain information to be included in the records and for the records to be prepared in a specified manner; amending s. 720.308, F.S.; providing circumstances under which a guarantee of common expenses shall be effective; providing for approval of the guarantee by association members; providing for a guarantee period and extension thereof; requiring the stated dollar amount of the guarantee to be an exact dollar amount for each parcel identified in the declaration; providing payments required from the guarantor to be determined in a certain manner; providing a formula to determine the guarantor's total financial obligation to the association; providing that certain expenses incurred in the production of certain revenues shall not be included in the operating expenses; amending s. 720.311, F.S.; revising provisions relating to dispute resolution; providing that the filing of any petition for arbitration or the serving of an offer for presuit mediation shall toll the applicable statute of limitations; providing that certain disputes between an association and a parcel owner shall be subject to presuit mediation; revising provisions to conform; providing that temporary injunctive relief may be sought in certain disputes subject to presuit mediation; authorizing the court to refer the parties to mediation under certain circumstances; requiring the aggrieved party to serve on the responding party a written offer to participate in presuit mediation; providing a form for such offer; providing that service of the offer is effected by the sending of such an offer in a certain manner; providing that the prevailing party in any subsequent arbitration or litigation proceedings is entitled to seek recovery of all costs and attorney's fees incurred in the presuit mediation process; requiring the mediator or arbitrator to meet certain certification requirements; removing a requirement relating to development of an education program to increase awareness of the operation of homeowners' associations and the use of alternative dispute resolution techniques; providing effective dates.

By the Committees on Government Efficiency Appropriations; Community Affairs; and Senator Baker—

**CS for CS for SB 2364**—A bill to be entitled An act relating to community redevelopment; amending s. 163.340, F.S.; revising certain definitions; defining the term "taxing authority"; amending s. 163.356, F.S.; authorizing one or more members of the board of commissioners of the community redevelopment agency to be representatives of a taxing authority; creating s. 163.357, F.S.; authorizing one or more members of the board of commissioners of the community redevelopment agency to be representatives of a taxing authority; amending s. 163.360, F.S.; specifying additional procedures required for adoption of community redevelopment plans by the governing body of certain counties for certain community redevelopment agencies; amending s. 163.361, F.S.; specifying additional procedures required for adoption of a modified

community redevelopment plan by a governing body of certain counties for certain community redevelopment agencies; amending s. 163.370, F.S.; revising provisions relating to powers of counties, municipalities, and community redevelopment agencies; revising provisions relating to projects ineligible for increment revenues; amending s. 163.387, F.S.; revising provisions relating to redevelopment trust funds; providing limitations on the amount of tax increment contributions by a taxing authority for certain community redevelopment agencies; authorizing a community redevelopment agency to waive certain increment payment penalties; authorizing alternate provisions in certain interlocal agreements to supersede certain provisions of law; amending s. 163.410, F.S.; providing additional requirements for requests for information relating to requests for delegation of certain powers; providing an effective date.

By the Committee on Education Appropriations; and Senator Carlton—

**CS for SB 2380**—A bill to be entitled An act relating to school district funding; amending s. 1013.64, F.S.; increasing the amount that a district school board may spend for new construction of educational plant space; amending s. 1011.62, F.S.; revising the method of computing the annual operating allocation to each district; providing an appropriation; providing an effective date.

By the Committee on Government Efficiency Appropriations; and Senator Dockery—

**CS for SB 2384**—A bill to be entitled An act relating to the Department of State; amending s. 265.285, F.S.; clarifying terms of appointment to the Florida Arts Council; removing obsolete provisions; amending s. 265.606, F.S.; deleting a requirement for local sponsoring organizations to submit an annual postaudit to the Division of Cultural Affairs under certain circumstances; requiring the state's matching share of cultural endowment to be returned to the state and deposited into the Florida Fine Arts Trust Fund rather than the General Revenue Fund under certain circumstances; providing for distribution of reverted funds; requiring the authority to disburse funds to be subject to certain notice and review procedures; providing for the reversion of returned funds to the General Revenue Fund under certain circumstances; amending s. 267.174, F.S.; changing the dates for the first meeting of the Discovery of Florida Quincentennial Commemoration Commission, the completion of the initial draft of a specified master plan, and the submission of the completed master plan; amending s. 272.129, F.S.; transferring responsibility for the Florida Historic Capitol from the Department of State to the Legislature; providing for allocation of certain space for preservation, museum, and cultural programs of the Legislature; requiring the maintenance of the Florida Historic Capitol pursuant to certain historic preservation standards and guidelines; removing responsibility of the Department of Management Services for security of the Historic Capitol and adjacent grounds; amending s. 272.135, F.S.; requiring the Capitol Curator to be appointed by the President of the Senate and the Speaker of the House of Representatives; deleting rulemaking authority of the Department of State, to conform; amending s. 607.193, F.S.; correcting references to repealed sections of the Florida Statutes within provisions relating to the annual supplemental corporate fee imposed on each business entity authorized to transact business in this state; providing an effective date.

By the Committee on Government Efficiency Appropriations; and Senators Atwater and Bullard—

**CS for SB 2410**—A bill to be entitled An act relating to exemptions from the tax on sales, use, and other transactions; amending s. 212.02, F.S.; defining the term "low-volume irrigation" or "microirrigation"; amending s. 212.08, F.S.; including in the exemption for items in agricultural use certain agricultural machinery or farm equipment used for low-volume irrigation or microirrigation; deleting certain exemptions relating to certain equipment and fuel used in breeding poultry; providing an effective date.

By the Committee on Education; and Senator Webster—

**CS for SB 2424**—A bill to be entitled An act relating to charter schools; amending s. 1002.33, F.S.; revising the purposes for which a charter school may be established; revising certain requirements following the denial of an application for a conversion charter school by a district school board; providing for mutually agreed upon policies of a sponsor to apply to a charter school; requiring that the director, governing board, and sponsor of a charter school take certain action if the school is graded “D” or “F”; revising certain requirements for applying for a charter school; requiring that the district school board provide documentation of its denial of an application to the applicant and the Department of Education; providing for the district court of appeal to review a decision by the State Board of Education to deny an application for a charter school; removing the authority of the Charter School Appeal Commission to review a dispute that is unresolved following mediation; requiring that the Department of Education provide certain training and assistance to applicants for a charter school; revising the requirements for developing a proposed charter; providing that a charter termination or nonrenewal is not subject to administrative review; requiring that the governing board of the charter school, the sponsor, and the Department of Education be notified if an audit reveals a state of financial emergency with respect to the school; requiring such a school to file a financial-recovery plan with the sponsor; requiring the department to establish guidelines for financial-recovery plans; revising the initial term for a charter school and extending the authorized length of the charter for a school operated by specified entities; revising circumstances under which a charter may be terminated or not renewed; providing notice requirements following the termination of a charter; providing for certain funds to revert to the sponsor rather than the district school board following nonrenewal or termination of a charter; requiring that a charter school notify the sponsor and file a financial-recovery plan following an audit indicating a state of financial emergency; requiring that the Department of Education develop an on-line annual accountability report for charter schools; authorizing a charter school to use certain specified facilities to house the school; exempting a charter school from occupational fees; requiring that a sponsor assist the charter school in fulfilling eligibility requirements for the federal lunch program; revising requirements for the Department of Education in providing information to the public regarding charter schools; requiring the department to provide the staff for a Charter School Review Panel; requiring future legislative review of the operation of charter schools; amending s. 1003.05, F.S.; removing charter schools from the special academic programs provided for students from military families; amending s. 1013.62, F.S.; revising eligibility requirements for a charter school to receive capital outlay funding; providing an order of priority for allocations; providing for such funds to be used for additional purposes; amending s. 218.39, F.S.; including charter schools within provisions governing annual financial audit reports; amending ss. 218.50, 218.501, 218.503, and 218.504, F.S.; designating ss. 218.50-218.504, F.S., as the “Local Governmental Entity, Charter School, and District School Board Financial Emergencies Act”; including charter schools within provisions requiring review and oversight by the Governor, the charter school sponsor, or the Commissioner of Education in the event of a financial emergency; requiring that a charter school notify the charter school sponsor and the Legislative Auditing Committee when certain events occur; prescribing actions to be taken by the charter school; amending s. 1002.32, F.S.; providing for a charter lab school to receive funding for student transportation under certain circumstances; amending s. 1011.71, F.S.; clarifying the use of funds generated through additional millage; providing an effective date.

By the Committees on Governmental Oversight and Productivity; Environmental Preservation; and Senator Argenziano—

**CS for 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. 370.14, F.S.; clarifying provisions regulating spiny lobsters; 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; deleting the authority of the commission to recover a natural resource rent; deleting authorization for the establishment of an equitable rent; 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.; deleting certain Level One offense designations; providing an effective date.

By the Committee on Environmental Preservation; and Senators Argenziano and Crist—

**CS for SB 2538**—A bill to be entitled An act relating to the Florida Springs Protection Act; creating pt. IV of ch. 369, F.S., relating to springs protection; creating s. 369.401, F.S.; providing a short title; creating s. 369.403, F.S.; providing legislative intent; creating s. 369.405, F.S.; creating the Florida Springs Commission; providing for membership and the appointment of certain members by the Governor and the Legislature; authorizing reimbursement for per diem and travel expenses; authorizing appointment of technical subcommittees; directing state agencies and requesting local governments to provide assistance to the commission; requiring the Department of Environmental Protection and water management districts to identify and map certain springs; requiring the commission to perform certain assessments; providing requirements for such assessments; requiring the commission to evaluate the assessments and recommend strategies for protecting and ensuring the long-term viability of the state’s springs; providing requirements and procedures therefor; requiring a model springs protection plan; providing a dissolution date for the commission; providing an effective date.

By the Committee on Environmental Preservation; and Senator Dockery—

**CS for SB 2544**—A bill to be entitled An act relating to environmental protection; amending s. 259.105, F.S.; revising requirements relating to the distribution of funds under the Florida Forever program; revising goals of the program; establishing the Legislature’s intent that the protection and buffering of military installations is of great importance; directing the Acquisition and Restoration Council to give priority consideration to the acquisition of lands that protect and buffer military installations; amending s. 373.1961, F.S.; clarifying requirements for the use of alternative water supply funds; amending s. 373.459, F.S.; providing an exception to match requirements for the Suwannee River Water Management District and Northwest Florida Water Management District; amending s. 373.59, F.S.; requiring that certain funds transferred to the State Board of Administration to the credit of the Water Management Lands Trust Fund be transferred to the Water Protection and Sustainability Program Trust Fund in the Department of Environmental Protection; specifying the purposes of which transferred funds may be used; amending s. 403.891, F.S.; providing for the deposit of certain funds into the Water Protection and Sustainability Program Trust Fund; limiting the purposes for which those funds may be used; amending s. 373.4144, F.S.; removing provisions requiring the Department of Environmental Protection to develop a mechanism consolidating federal and state wetland permitting programs; authorizing implementation of a statewide programmatic general permit by the department and water management districts for certain dredge and fill activities; specifying conditions applicable to such permit; authorizing the department to adopt rules and apply program criteria; amending s. 373.4211, F.S.; revising provisions concerning the vegetative index used to delineate the landward extent of wetlands and surface waters; providing a definition; providing for permit modification under certain circumstances; providing for certain declaratory statements from the department; providing

exemptions for certain permit petitions and applications relating to specified activities; providing an effective date.

---

By the Committee on Education; and Senator Saunders—

**CS for SB 2558**—A bill to be entitled An act relating to interscholastic athletics; requiring the Florida High School Athletic Association to hold certain bylaws in abeyance; providing for creation of a task force to review student athlete recruiting issues; providing for task force membership and duties; requiring recommendations to the Governor and the Legislature; requiring the Office of Program Policy Analysis and Government Accountability to conduct a review of recruiting violations by Florida High School Athletic Association member schools; providing an appropriation; providing an effective date.

---

By the Committee on Education; and Senators Constantine, Margolis, Baker and Rich—

**CS for SB 2602**—A bill to be entitled An act relating to health-related education in the public schools; creating s. 1003.453, F.S.; requiring each school district to submit to the Department of Education, by a specified deadline, copies of the district's school wellness policy and physical education policy; requiring the school district to review those policies annually; requiring the department and school districts to post links to those policies on their websites; requiring the department to provide website links to certain resources and prescribing the types of information those resources must provide; encouraging school districts to provide basic training in first aid to students in certain grade levels; amending s. 1003.455, F.S.; requiring that school district physical education programs and curricula be reviewed by a certified physical education instructor; encouraging school districts to provide physical education for a specified amount of time; deleting obsolete language; amending s. 381.0056, F.S., the "School Health Services Act"; requiring schools to annually provide certain information to students' parents and guardians; providing requirements relating to membership of school health advisory committees; encouraging the committees to address specified matters; providing an effective date.

---

By the Committee on Education; and Senator Wise—

**CS for SB 2616**—A bill to be entitled An act relating to supplemental educational services; providing for student access to and provider accountability for supplemental educational services in Title I schools; providing definitions; providing responsibilities of the Department of Education, local educational agencies, providers of supplemental educational services, and parents to provide additional academic instruction designed to increase the academic achievement of eligible students; providing criteria that must be met by a provider approved by the department; providing for department monitoring and evaluation of provider performance; providing a complaint process for determination of provider and local educational agency compliance with law; providing an effective date.

---

By the Committee on Regulated Industries; and Senator Webster—

**CS for SB 2630**—A bill to be entitled An act relating to vacation and timeshare plans; amending s. 721.03, F.S.; revising the formula for funding reserve accounts; authorizing a seller to offer timeshare interests in timeshare plans located outside of this state without filing a public offering statement for such out-of-state timeshare plan; providing criteria for such offers; requiring certain notice; providing for a fee; amending s. 721.05, F.S.; revising the definition of the term "one-to-one purchaser to accommodation ratio"; amending s. 721.13, F.S.; providing conditions under which certain timeshare condominium associations and timeshare cooperative associations are subject to certain provisions relating to transfer of association control; authorizing funding of reserve accounts to be waived or reduced; amending s. 721.165, F.S.; authorizing certain insurance to include reasonable deductibles as determined initially by the seller and thereafter by the managing entity; providing an effective date.

By the Committee on Transportation; and Senator Webster—

**CS for SB 2632**—A bill to be entitled An act relating to a surcharge on the rental or lease of motor vehicles; amending s. 212.0606, F.S.; providing for the imposition by countywide referendum of an additional surcharge on the lease or rental of a motor vehicle; providing the proceeds of the surcharge to be transferred to the Local Option Fuel Tax Trust Fund and used for the construction and maintenance of state roads; providing an effective date.

---

By the Committee on Environmental Preservation; and Senator Wise—

**CS for SB 2708**—A bill to be entitled An act relating to the exploration, production, and storage of petroleum and natural gas; directing the Department of Environmental Protection to contract for a study of exposure risks and potential adverse effects of hurricane wind and storm surge on field-erected, aboveground storage tank systems at bulk product facilities; providing requirements for the scope of the study; providing an appropriation from the Inland Protection Trust Fund for the cost of the study; directing the department to compile and review existing data and information relating to environmental risks associated with oil and natural gas exploration and production in the eastern Gulf of Mexico; providing requirements and criteria for the evaluation of such risks; requiring the department to submit a report to the Governor and the Legislature; providing an effective date.

---

By the Committees on Transportation and Economic Development Appropriations; Commerce and Consumer Services; and Senators Fasano and Lynn—

**CS for CS for SB 2728**—A bill to be entitled An act relating to economic development incentives; amending s. 288.1088, F.S.; providing eligibility requirements for the receipt of funds from the Quick Action Closing Fund; authorizing the waiver of certain criteria for projects that would significantly benefit the economy; providing additional requirements for Enterprise Florida, Inc., in evaluating proposed projects; requiring that a contract for payment from the Quick Action Closing Fund provide that the payment of moneys is contingent upon a sufficient appropriation of funds by the Legislature and upon the release of appropriated funds by the Legislative Budget Commission; deleting provisions authorizing the Governor to reallocate unencumbered funds in the Quick Action Closing Fund to other economic development programs; creating s. 288.1089, F.S.; creating the Innovation Incentive Program within the Office of Tourism, Trade, and Economic Development for certain purposes; providing definitions; providing an incentive-award limitation; providing for award application and eligibility; providing qualification requirements; providing proposal evaluation and recommendations requirements for Enterprise Florida, Inc.; providing for negotiation of award amounts by the office; providing for agreements for payments of certain moneys under certain circumstances; providing criteria for award approval or disapproval; providing for incentive payment agreements; requiring Enterprise Florida, Inc., to assist the office in validating certain business performances; requiring a report to the Governor and Legislature; authorizing the office to allocate certain funds for certain purposes; amending s. 403.973, F.S.; providing for review of possible sites for projects funded under s. 288.1089, F.S.; providing appropriations; effectuating a fund transfer; providing for future expiration of 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 7023, HB 7025, HB 7033, HB 7043; has passed as amended HB 273, HB 641, HB 699, HB 919, HB 1611, HB 7045, HB 7051, HB 7111; has passed by the required constitutional two-thirds vote of the members present HB 7113; has passed as amended by the

required constitutional two-thirds vote of the members present HB 7161 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

---

By the Committee on Governmental Operations; and Representative Rivera—

**HB 7023**—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding medical facility terrorism response information; amending s. 381.95, F.S.; reorganizing provisions, making editorial changes, and removing superfluous language; removing the scheduled repeal of the exemption under the Open Government Sunset Review Act; providing an effective date.

—was referred to the Committees on Domestic Security; Health Care; Governmental Oversight and Productivity; and Rules and Calendar.

---

By the Committee on Governmental Operations; and Representative Rivera—

**HB 7025**—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding comprehensive emergency management plan components; amending s. 395.1056, F.S., which provides an exemption from public records requirements for those portions of a comprehensive emergency management plan that address the response of a public or private hospital to an act of terrorism and which provides an exemption from public meetings requirements for that portion of a public meeting which would reveal information contained in a comprehensive emergency management plan that addresses the response of a hospital to an act of terrorism; reorganizing provisions, making editorial changes, and removing superfluous language; removing the scheduled repeal of the exemptions under the Open Government Sunset Review Act; providing an effective date.

—was referred to the Committees on Domestic Security; Health Care; Governmental Oversight and Productivity; and Rules and Calendar.

---

By the Committee on Governmental Operations; and Representative Rivera—

**HB 7033**—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding security system plans; amending s. 119.071, F.S., which provides an exemption from public records requirements for security system plans for any property owned by or leased to the state or any of its political subdivisions and any privately owned or leased property; reorganizing provisions, making editorial changes, and removing superfluous language; removing the scheduled repeal of the exemption under the Open Government Sunset Review Act; amending s. 286.0113, F.S., which provides an exemption from public meetings requirements for a meeting that would reveal a security system plan or portion thereof; making editorial changes; removing the scheduled repeal of the exemption under the Open Government Sunset Review Act; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; and Rules and Calendar.

---

By the Committee on Governmental Operations; and Representative Rivera—

**HB 7043**—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding long-term care services; amending s. 430.105, F.S., which provides an exemption from public records requirements for personal identifying information in a record held by the Department of Elderly Affairs that relates to an individual's health or eligibility for or receipt of health-related, elder care, or long-term care services; making editorial changes; removing superfluous lan-

guage; removing the scheduled repeal of the exemption; providing an effective date.

—was referred to the Committees on Health Care; Governmental Oversight and Productivity; and Rules and Calendar.

---

By Representative Mayfield and others—

**HB 273**—A bill to be entitled An act relating to outdoor advertising; amending s. 479.106, F.S.; revising provisions relating to the proximity of vegetation and beautification projects to outdoor advertising signs; prohibiting planting that will block the signs; specifying distances that constitute a view zone on interstate highways, expressways, federal-aid primary highways, and the State Highway System for outdoor advertising signs; authorizing the Department of Transportation and owners of outdoor advertising signs to enter into agreements identifying view zone locations; providing for a claim of violation of view zone clearance requirements; providing procedures; providing for award of compensation; exempting certain curative measures from department permit requirements; requiring notice to the department; limiting liability of certain service providers under certain circumstances; providing for application to certain existing agreements; amending s. 479.25, F.S.; revising provisions for height increase of certain outdoor advertising signs; authorizing the height to be increased if visibility is blocked due to installation of certain noise-attenuation barriers; requiring sign reconstruction to meet certain requirements of the Florida Building Code; requiring notice by the department to the local government or jurisdiction; providing for resolution when a sign height increase would conflict with local ordinances or land development regulations; providing for a survey of impacted property owners; providing for a public hearing; providing for application to certain existing agreements; providing an effective date.

—was referred to the Committees on Transportation; Community Affairs; and Judiciary.

---

By Representative Russell and others—

**HB 641**—A bill to be entitled An act relating to animal service providers; amending s. 474.203, F.S.; providing that ch. 474, F.S., relating to veterinary medical practice, does not apply to a part-time worker or an independent contractor who is hired by an owner to provide certain services; providing for retroactive effect; providing an effective date.

—was referred to the Committees on Agriculture; and Regulated Industries.

---

By Representative Negron and others—

**HB 699**—A bill to be entitled An act relating to health care practitioners; amending s. 456.031, F.S.; revising requirements for instruction of certain health care practitioners concerning domestic violence; amending s. 456.033, F.S.; revising requirements for instruction of certain health care practitioners concerning HIV and AIDS; amending s. 456.041, F.S.; requiring advanced registered nurse practitioners to submit protocols as part of practitioner profiles to the Department of Health; amending s. 458.319, F.S.; eliminating an option for medical physicians to complete continuing education courses in end-of-life care in lieu of continuing education in AIDS/HIV; amending s. 458.348, F.S.; providing requirements for the supervision of certain health care practitioners by physicians; providing that the section is self-executing; repealing s. 459.008(5), F.S.; eliminating an option for osteopathic physicians to complete continuing education courses in end-of-life care in lieu of continuing education in AIDS/HIV; creating s. 459.025, F.S.; providing requirements for the supervision of certain health care practitioners by osteopathic physicians; requiring physicians or osteopathic physicians to supervise certain persons performing electrolysis using laser or light-based hair removal or reduction; providing that the section is self-executing; amending s. 464.012, F.S.; requiring certain advanced registered nurse practitioners to file protocols with the Board of Nursing; specifying requirements for the protocols; requiring the Office of Program Policy Analysis and Government Accountability to review and

identify specified issues and report its findings; providing an effective date.

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

---

By Representative Grant and others—

**HB 919**—A bill to be entitled An act relating to law enforcement investigations; creating s. 837.055, F.S.; prohibiting knowingly and willfully giving false information to law enforcement officers under certain circumstances; providing penalties; providing an effective date.

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

---

By Representative Goldstein and others—

**HB 1611**—A bill to be entitled An act relating to the practice of architecture and interior design; amending s. 481.203, F.S.; providing a definition; amending s. 481.205, F.S.; authorizing the Board of Architecture and Interior Design to establish rules relating to responsible supervising control; amending s. 481.223, F.S.; authorizing retired architects and interior designers to use the title “architect, retired” and “interior designer, retired,” respectively; providing an effective date.

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

---

By the Committee on Governmental Operations; and Representative Rivera—

**HB 7045**—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding supplemental rebate agreements; amending s. 409.91196, F.S., which provides an exemption from public records requirements for the rebate amount, percent of rebate, manufacturer’s pricing, supplemental rebate, and other trade secrets held by the Agency for Health Care Administration relative to a preferred drug list established by the agency and an exemption from public meetings requirements for that portion of a meeting of the Medicaid Pharmaceutical and Therapeutics Committee at which such rebate amounts, percent of rebates, manufacturer’s pricing, supplemental rebates, or other trade secrets are discussed; making editorial changes; removing superfluous language; requiring that a record of an exempt portion of a meeting be made and maintained; removing the scheduled repeal of the exemptions; providing an effective date.

—was referred to the Committees on Health Care; Governmental Oversight and Productivity; and Rules and Calendar.

---

By the Committee on Elder and Long-Term Care; and Representative H. Gibson—

**HB 7051**—A bill to be entitled An act relating to certificates of need; transferring, renumbering, and amending s. 651.1185, F.S.; extending the moratorium on certificates of need for additional community nursing home beds until July 1, 2011; specifying nonapplication of a moratorium for the addition of nursing home beds in certain specified facilities; providing requirements and limitations; providing for repeal upon expiration of the moratorium; amending s. 408.036, F.S.; exempting a nursing home that is created by combining certain licensed beds from requirements for obtaining a certificate of need from the Agency for Health Care Administration; amending s. 408.040, F.S.; authorizing nursing homes in certain counties to request a reduction in their annual Medicaid patient days; requiring the Agency for Health Care Administration to automatically grant such a request if the nursing home meets certain conditions; providing for future repeal; providing an effective date.

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

By the Committee on Governmental Operations; and Representative Rivera—

**HB 7111**—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding the offense of interference with custody; amending s. 787.03, F.S.; specifying that the offense of interference with custody applies to the taking of a minor; providing a penalty; revising a defense to the offense of interference with custody for a defendant who is a victim of actual or imminent domestic violence to provide that the defendant’s reasonable belief that the interference was necessary to escape from, or protect himself or herself from, domestic violence or to preserve a minor or incompetent person from exposure to domestic violence constitutes a defense; revising a defense to the offense of interference with custody when a minor or incompetent person instigates his or her own taking to require a showing that it was reasonable for the defendant to rely upon the instigating acts; broadening an exception to the offense of interference with custody; specifying that the offense is inapplicable to cases involving certain persons who have a legal right to custody of a minor or an incompetent person who take the minor or incompetent person and follow prescribed procedures; including the taking of an incompetent person within provisions governing the exception to the offense; making editorial changes; reenacting s. 61.45(6)(b), F.S., relating to a court order of visitation or custody, and s. 933.18(7)(a), F.S., relating to instances in which a warrant may be issued for search of private dwelling, for the purpose of incorporating the amendment to s. 787.03, F.S., in references thereto; reenacting and amending s. 921.0022(3)(d), F.S.; revising a reference to the offense of interference with custody within the offense severity ranking chart of the Criminal Punishment Code to conform; providing an effective date.

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

---

By the Committee on Governmental Operations; and Representative Rivera—

**HB 7113**—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding the public records exemption for the interference with custody statute; amending s. 787.03, F.S.; expanding the public records exemption for specified information contained in a report made to a sheriff or state attorney as part of a statutory exception to the offense of interference with custody; providing that the address and telephone number of a minor or incompetent person contained in such report is confidential and exempt from public records requirements; providing an exception to the exemption; providing for review and repeal; providing a statement of public necessity; providing a contingent effective date.

—was referred to the Committees on Judiciary; Criminal Justice; Governmental Oversight and Productivity; and Rules and Calendar.

---

By the Committee on Governmental Operations; and Representative Rivera—

**HB 7161**—A bill to be entitled An act relating to a public records exemption for alternative investments; amending s. 215.44, F.S.; providing definitions; defining “proprietary confidential business information” and specifying information which does not constitute proprietary confidential business information; creating an exemption from public records requirements for proprietary confidential business information held by the State Board of Administration regarding alternative investments; providing for limited duration of the exemption; providing for retroactive application of the exemption; authorizing the inspection and copying of confidential and exempt records if the proprietor of the information fails to verify that a record contains certain information within a specified period of time; authorizing a court to order the release of confidential and exempt records upon making certain findings; providing for future review and repeal; providing a statement of public necessity; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; and Rules and Calendar.

**CORRECTION AND APPROVAL OF JOURNAL**

SB 714; Sebesta—SB 714; Siplin—CS for CS for SB 214; Webster—SB 714; Wise—SB 714

The Journal of April 19 was corrected and approved.

**CO-INTRODUCERS**

Senators Alexander—SB 714; Baker—SB 714, CS for CS for SB 1508; Bennett—SB 714; Constantine—SB 714; Dockery—SB 714; Garcia—SB 714; Haridopolos—SB 714; Jones—SB 714; Miller—SR 2370; Peaden—

**RECESS**

On motion by Senator Pruitt, the Senate recessed at 12:13 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Friday, April 21 or upon call of the President.