



Journal of the Senate

Number 13—Regular Session

Friday, April 21, 2006

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CALL TO ORDER

The Senate was called to order by President Lee at 10:17 a.m. A quorum present—33:

| | | |
|---------------|-------------|------------|
| Mr. President | Constantine | Lynn |
| Alexander | Crist | Margolis |
| Argenziano | Dockery | Miller |
| Aronberg | Fasano | Peadar |
| Atwater | Garcia | Posey |
| Baker | Geller | Rich |
| Bennett | Haridopolos | Saunders |
| Bullard | Jones | Sebesta |
| Campbell | King | Villalobos |
| Carlton | Klein | Webster |
| Clary | Lawson | Wise |

Excused: Senators Dawson and Pruitt; Senators Diaz de la Portilla and Smith until 10:35 a.m.; Senators Hill, Siplin and Wilson until 11:45 a.m.

PRAYER

The following prayer was offered by Senator Campbell:

Heavenly Father: help us remember that the jerk who cut us off in traffic last night is a single mother who worked nine hours that day and is rushing home to cook dinner, help with homework, do the laundry and spend precious moments with her children.

Help us to remember that the pierced, tattooed, seemingly disinterested young man who can't make change correctly is a worried, 19-year-old college student, balancing his apprehension over final exams with his fear of not getting his student loans for next semester.

Remind us, Lord, that the scary looking bum, begging for money in the same spot every day, is a slave to addictions that we can only imagine in our worst nightmares.

Help us to remember that the old couple walking annoyingly slow through the store aisles and blocking our shopping progress is savoring this moment, knowing that, based on the biopsy report she got back last week, this will be the last year that they go shopping together.

Heavenly Father, remind us each day that of all the gifts you give us, the greatest gift is love. It is not enough to share that love with those we hold dear.

Open our hearts not to just those that are close to us, but to all humanity. Let us be slow to judge and quick to forgive, show patience, empathy and love. Amen.

PLEDGE

Senate Pages Amelia "Millie" Mathis of Marianna; Holly Dunn of Ponce de Leon; Shane Boyar of Cooper City; and Joseph Humphrey of Palmetto, led the Senate in the pledge of allegiance to the flag of the United States of America.

BILLS ON THIRD READING

SENATOR MILLER PRESIDING

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

On motion by Senator Atwater, by two-thirds vote **HB 919** was withdrawn from the Committees on Criminal Justice; and Justice Appropriations.

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

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.

—a companion measure, was substituted for **CS for SB 1418** and read the second time by title. On motion by Senator Atwater, by two-thirds vote **HB 919** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

| | | |
|---------------|-------------|------------|
| Mr. President | Constantine | Lynn |
| Alexander | Crist | Margolis |
| Argenziano | Dockery | Miller |
| Aronberg | Fasano | Peadar |
| Atwater | Garcia | Posey |
| Baker | Geller | Rich |
| Bennett | Haridopolos | Saunders |
| Bullard | Jones | Sebesta |
| Campbell | King | Villalobos |
| Carlton | Klein | Webster |
| Clary | Lawson | Wise |

Nays—None

Vote after roll call:

Yea—Diaz de la Portilla, Hill, Siplin, Smith, Wilson

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

CS for CS for SB 1958—A bill to be entitled An act relating to airboats; amending s. 327.02, F.S.; defining the terms "airboat" and "muffler"; conforming terminology; creating s. 327.391, F.S.; providing for the regulation of airboat operation and equipment; requiring a sound-muffling device, as described; requiring the display of flags, as described; providing penalties; amending s. 327.60, F.S.; prohibiting an

ordinance or local law from discriminating against airboats; providing an exception; amending s. 327.73, F.S.; providing penalties; amending s. 327.731, F.S.; providing for mandatory education; amending ss. 320.08, 328.17, 342.07, and 715.07, F.S.; correcting cross-references; amending s. 713.78, F.S.; correcting cross-references and conforming terminology; amending s. 616.242, F.S.; conforming terminology; providing effective dates.

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

On motion by Senator Aronberg, **CS for CS for SB 1958** as amended was passed and certified to the House. The vote on passage was:

Yeas—33

| | | |
|---------------|-------------|------------|
| Mr. President | Constantine | Lynn |
| Alexander | Crist | Margolis |
| Argenziano | Dockery | Miller |
| Aronberg | Fasano | Peaden |
| Atwater | Garcia | Posey |
| Baker | Geller | Rich |
| Bennett | Haridopolos | Saunders |
| Bullard | Jones | Sebesta |
| Campbell | King | Villalobos |
| Carlton | Klein | Webster |
| Clary | Lawson | Wise |

Nays—None

Vote after roll call:

Yea—Diaz de la Portilla, Hill, Siplin, Smith, Wilson

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

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 “commerical activity” for purposes of a provision authorizing the release of social security numbers; providing an effective date.

—as amended April 20 was read the third time by title.

On motion by Senator Argenziano, **CS for CS for SB 2518** as amended was passed and certified to the House. The vote on passage was:

Yeas—33

| | | |
|---------------|-------------|------------|
| Mr. President | Constantine | Lynn |
| Alexander | Crist | Margolis |
| Argenziano | Dockery | Miller |
| Aronberg | Fasano | Peaden |
| Atwater | Garcia | Posey |
| Baker | Geller | Rich |
| Bennett | Haridopolos | Saunders |
| Bullard | Jones | Sebesta |
| Campbell | King | Villalobos |
| Carlton | Klein | Webster |
| Clary | Lawson | Wise |

Nays—None

Vote after roll call:

Yea—Diaz de la Portilla, Hill, Siplin, Smith, Wilson

Consideration of **CS for SB 1342** was deferred.

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.; 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 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; 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.; 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, 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; providing an effective date.

—as amended April 20 was read the third time by title.

On motion by Senator Campbell, **CS for CS for SB 1080** as amended was passed and certified to the House. The vote on passage was:

Yeas—33

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|---------------|-------------|------------|
| Mr. President | Constantine | Lynn |
| Alexander | Crist | Margolis |
| Argenziano | Dockery | Miller |
| Aronberg | Fasano | Peaden |
| Atwater | Garcia | Posey |
| Baker | Geller | Rich |
| Bennett | Haridopolos | Saunders |
| Bullard | Jones | Sebesta |
| Campbell | King | Villalobos |
| Carlton | Klein | Webster |
| Clary | Lawson | Wise |

Nays—None

Vote after roll call:

Yea—Diaz de la Portilla, Hill, Siplin, Smith, Wilson

SPECIAL ORDER CALENDAR

On motion by Senator Haridopolos—

CS for SB 1680—A bill to be entitled An act relating to public documents; amending s. 257.05, F.S.; requiring that each state official,

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

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1680** was placed on the calendar of Bills on Third Reading.

On motion by Senator Clary—

CS for CS for SB 2060—A bill to be entitled An act relating to the practice of architecture and interior design; amending s. 481.203, F.S.; defining the term “responsible supervising control”; amending s. 481.205, F.S.; authorizing the Board of Architecture and Interior Design to adopt certain rules; amending s. 481.223, F.S.; authorizing certain architects to use the title “Architect, Retired”; authorizing certain interior designers to use the title “Interior Designer, Retired”; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 2060**, on motion by Senator Clary, by two-thirds vote **HB 1611** was withdrawn from the Committees on Regulated Industries; and Community Affairs.

On motion by Senator Clary—

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.

—a companion measure, was substituted for **CS for CS for SB 2060** and read the second time by title.

Pursuant to Rule 4.19, **HB 1611** was placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

CS for SB 646—A bill to be entitled An act relating to sexual and career offenders; amending s. 775.21, F.S.; revising the definition of the term “institution of higher education” to include a career center; revising provisions relating to use of prior felonies for sexual predator determination; removing provisions allowing a sexual predator to register at the Department of Law Enforcement; amending s. 775.261, F.S.; revising an operational date used for career offender registration; expanding applicability of registration requirements; amending s. 943.0435, F.S.; removing provisions permitting a sexual offender to register at an office of the Department of Law Enforcement; revising provisions relating to the definition of “sexual offender”; revising the definition of “institution of higher education” to include a career center; revising a provision relating to an offender's driver's license or identification card renewal; amending s. 944.606, F.S.; revising provisions relating to the definition of “sexual offender”; amending s. 944.607, F.S.; revising provisions relating to the definition of “sexual offender”; revising the definition of “institution of higher education” to include a career center; providing an effective date.

—was read the second time by title.

Senator Campbell moved the following amendment which was adopted:

Amendment 1 (504112)—On page 6, lines 9-11, delete those lines and insert: residence, report in person to the *sheriff's office* agency to which he or she reported pursuant to subparagraph 2. for the purpose of reporting his or her address at such residence. *When* ~~If~~ the sheriff

Pursuant to Rule 4.19, **CS for SB 646** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Peaden—

CS for SB 1216—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; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 1216** to **HB 699**.

Pending further consideration of **CS for SB 1216** as amended, on motion by Senator Peaden, by two-thirds vote **HB 699** was withdrawn from the Committees on Health Care; and Health and Human Services Appropriations.

On motion by Senator Peaden—

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.

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

Pursuant to Rule 4.19, **HB 699** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bennett—

CS for CS for SB 1112—A bill to be entitled An act relating to the issuance of licenses and development permits; amending s. 120.60, F.S.;

requiring that a state agency include a citation to the applicable rule when giving notice of its decision to issue or deny a license; creating s. 125.022, F.S.; requiring a county to give written notice of its decision to issue or deny a development permit under certain conditions; requiring that the notice include a citation to the applicable ordinance; providing criteria for the notice; creating s. 166.033, F.S.; requiring a municipality to give written notice of its decision to issue or deny a development permit under certain conditions; requiring that the notice include a citation to the applicable ordinance; providing criteria for the notice; providing an effective date.

—was read the second time by title.

Senator Bennett moved the following amendment which was adopted:

Amendment 1 (583790)(with title amendment)—On page 1, line 22 through page 3, line 5, delete those lines and insert:

Section 1. Section 125.022, Florida Statutes, is created to read:

125.022 Development permits.—When a county denies an application for a development permit, the county shall give written notice to the applicant. The notice must include a citation to the applicable portions of an ordinance, rule, statute, or other legal authority for the denial of the permit. As used in this section, the term “development permit” has the same meaning as in s. 163.3164.

Section 2. Section 166.033, Florida Statutes, is created to read:

166.033 Development permits.—When a municipality denies an application for a development permit, the municipality shall give written notice to the applicant. The notice must include a citation to the applicable portions of an ordinance, rule, statute, or other legal authority for the denial of the permit. As used in this section, the term “development permit” has the same meaning as in s. 163.3164.

Section 3. This act shall take effect October 1, 2006.

And the title is amended as follows:

On page 1, lines 2-18, delete those lines and insert: An act relating to the denial of development permits; creating s. 125.022, F.S.; requiring a county to give written notice of its decision to deny a development permit; specifying information that the notice must include; defining the term “development permit”; creating s. 166.033, F.S.; requiring a municipality to give written notice of its decision to deny a development permit; specifying information that the notice must include; providing an effective date.

Pursuant to Rule 4.19, **CS for CS for SB 1112** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

RECONSIDERATION OF BILL

On motion by Senator Clary, the rules were waived and the Senate reconsidered the vote by which—

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 read the second time and substituted for **CS for CS for SB 2060** this day.

Pursuant to Rule 4.19, **CS for CS for SB 2060** was placed on the calendar of Bills on Third Reading.

On motion by Senator Baker—

CS for CS for SB 1090—A bill to be entitled An act relating to the regulation of wells; amending s. 373.323, F.S.; authorizing licensed

water well contractors to facilitate performance of additional work incidental to the construction, repair, or abandonment of a water well; amending s. 373.324, F.S.; requiring the Department of Environmental Protection to include an administrative fee in its license-renewal method prescribed by rule; waiving continuing education requirements for license renewal of certain water well contractors; providing exemptions from continuing education requirements for water well contractors on active military duty and their spouses; amending s. 373.333, F.S.; increasing the amount of the administrative fine a water management district may impose for certain water well contracting violations; allowing the water management district to impose an administrative fine against unlicensed water well contractors; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 1090** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 876** was deferred.

On motion by Senator Dockery, by two-thirds vote **HB 121** was withdrawn from the Committee on Transportation.

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

HB 121—A bill to be entitled An act relating to transportation facility designations; designating Osun's Village and African Caribbean Cultural Arts Corridor in Miami-Dade County; designating Burl Marler Walkway in Okaloosa County; designating Dr. Phillip A. Payne Bridge in Escambia County; designating Carlos C. Lopez-Aguilar Way, Reverend Samuel Atchison Boulevard, Toussaint L'Ouverture Boulevard, Reverend Gerard Jean-Juste Boulevard, and the Adam Leigh Cann Building in Miami-Dade County; repealing s. 6, ch. 2003-296, Laws of Florida, relating to a prior designation of Toussaint L'Ouverture Boulevard; A.B. Martin Street, and designating Senator N. Ray Carroll Memorial Interchange in Osceola County; directing the Department of Transportation to erect suitable markers; providing an effective date.

—a companion measure, was substituted for **CS for SB 254** and read the second time by title.

Senators Dockery and Sebesta offered the following amendment which was moved by Senator Dockery and adopted:

Amendment 1 (761332)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *Osun's Village designated; Department of Transportation to erect suitable markers.—*

(1) *That portion of N.W. 7th Avenue between N.W. 54th Street and N.W. 60th Street in Miami-Dade County is designated as "Osun's Village."*

(2) *The Department of Transportation is directed to erect suitable markers designating Osun's Village as described in subsection (1).*

Section 2. *African Caribbean Cultural Arts Corridor designated; Department of Transportation to erect suitable markers.—*

(1) *That portion of N.W. 7th Avenue between N.W. 36th Street and N.W. 79th Street in Miami-Dade County is designated as "African Caribbean Cultural Arts Corridor."*

(2) *The Department of Transportation is directed to erect suitable markers designating African Caribbean Cultural Arts Corridor as described in subsection (1).*

Section 3. *Burl Marler Walkway designated; Department of Transportation to erect suitable markers.—*

(1) *The pedestrian overpass on John Sims Parkway in the City of Niceville in Okaloosa County is designated as "Burl Marler Walkway."*

(2) *The Department of Transportation is directed to erect suitable markers designating Burl Marler Walkway as described in subsection (1).*

Section 4. *Dr. Phillip A. Payne Bridge designated; Department of Transportation to erect suitable markers.—*

(1) *The Cervantes Street Bridge on U.S. Highway 90 over Bayou Texar in the City of Pensacola in Escambia County is designated as "Dr. Phillip A. Payne Bridge."*

(2) *The Department of Transportation is directed to erect suitable markers designating Dr. Phillip A. Payne Bridge as described in subsection (1).*

Section 5. *Carlos C. Lopez-Aguilar Way designated; Department of Transportation to erect suitable markers.—*

(1) *That portion of S.W. 1st Street between 8th Avenue and 12th Avenue in Miami-Dade County is designated as "Carlos C. Lopez-Aguilar Way."*

(2) *The Department of Transportation is directed to erect suitable markers designating Carlos C. Lopez-Aguilar Way as described in subsection (1).*

Section 6. *Reverend Samuel Atchison Boulevard designated; Department of Transportation to erect suitable markers.—*

(1) *That portion of N.W. 7th Avenue between N.W. 62nd Street and N.W. 95th Street in Miami-Dade County is designated as "Reverend Samuel Atchison Boulevard."*

(2) *The Department of Transportation is directed to erect suitable markers designating Reverend Samuel Atchison Boulevard as described in subsection (1).*

Section 7. *Adam Leigh Cann Building designated; Department of Transportation to erect suitable markers.—*

(1) *That portion of the Department of Transportation District Six Headquarters commonly known as the Main Building, which is located at 1000 N.W. 111th Avenue in the City of Miami, is designated as the "Adam Leigh Cann Building."*

(2) *The Department of Transportation is directed to erect suitable markers designating the Adam Leigh Cann Building as described in subsection (1).*

Section 8. *Senator N. Ray Carroll Memorial Interchange designated; Department of Transportation to erect suitable markers.—*

(1) *The Florida Turnpike interchange being constructed at Milepost 240 and Kissimmee Park Road in Osceola County is designated as "Senator N. Ray Carroll Memorial Interchange."*

(2) *The Department of Transportation is directed to erect suitable markers designating Senator N. Ray Carroll Memorial Interchange as described in subsection (1).*

Section 9. *Toussaint L'Ouverture Boulevard designated; Department of Transportation to erect suitable markers; repeal of prior designation.—*

(1) *That portion of State Road 944 on N.W. 54th Street between U.S. Highway 1 and N.E. 2nd Avenue in Miami-Dade County is designated as "Toussaint L'Ouverture Boulevard."*

(2) *The Department of Transportation is directed to erect suitable markers designating Toussaint L'Ouverture Boulevard as described in subsection (1).*

(3) *Section 6 of chapter 2003-296, Laws of Florida, is repealed.*

Section 10. *A.B. Martin Street designated; Department of Transportation to erect suitable markers.—*

(1) *That portion of N.W. 135th Street between N.W. 27th Avenue and N.W. 37th Avenue in Miami-Dade County is designated as "A.B. Martin Street."*

(2) *The Department of Transportation is directed to erect suitable markers designating A.B. Martin Street as described in subsection (1).*

Section 11. *Leighton Lee Baker Memorial Highway designated; Department of Transportation to erect suitable markers.—*

(1) *That portion of Old U.S. Highway 441 between David Walker Drive and Eudora Road in Lake County is designated as "Leighton Lee Baker Memorial Highway."*

(2) *The Department of Transportation is directed to erect suitable markers designating Leighton Lee Baker Memorial Highway as described in subsection (1).*

Section 12. *Trinchitella Boulevard designated; Department of Transportation to erect suitable markers.—*

(1) *That portion of S.W. 10th Street between F.A.U. Research Park Boulevard and the Sawgrass Expressway in the City of Deerfield Beach in Broward County is designated as "Trinchitella Boulevard."*

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

Section 13. *John Van Waters Memorial Highway designated; Department of Transportation to erect suitable markers.—*

(1) *That portion of State Road 35 from County Road 35A north to the Pasco County line in Pasco County is designated as "John Van Waters Memorial Highway."*

(2) *The Department of Transportation is directed to erect suitable markers designating John Van Waters Memorial Highway as described in subsection (1).*

Section 14. *Emilio Ochoa Boulevard designated; Department of Transportation to erect suitable markers.—*

(1) *That portion of Calle Ocho (S.W. 8th Street) between S.W. 87th Avenue and S.W. 97th Avenue in Miami-Dade County is designated as "Emilio Ochoa Boulevard."*

(2) *The Department of Transportation is directed to erect suitable markers designating Emilio Ochoa Boulevard as described in subsection (1).*

Section 15. *Eddie Mae Steward Avenue designated; Department of Transportation to erect suitable markers.—*

(1) *That portion of Main Street between West 6th Street and West 8th Street in Duval County is designated as "Eddie Mae Steward Avenue."*

(2) *The Department of Transportation is directed to erect suitable markers designating Eddie Mae Steward Avenue as described in subsection (1).*

Section 16. *Mary L. Austin Jones Avenue designated; Department of Transportation to erect suitable markers.—*

(1) *That portion of Main Street between West 37th Street and West 46th Street in Duval County is designated as "Mary L. Austin Jones Avenue."*

(2) *The Department of Transportation is directed to erect suitable markers designating Mary L. Austin Jones Avenue as described in subsection (1).*

Section 17. *Flossie Brunson Avenue designated; Department of Transportation to erect suitable markers.—*

(1) *That portion of Main Street between West 8th Street and West 18th Street in Duval County is designated as "Flossie Brunson Avenue."*

(2) *The Department of Transportation is directed to erect suitable markers designating Flossie Brunson Avenue as described in subsection (1).*

Section 18. *Robert L. Brown, Sr., Highway designated; Department of Transportation to erect suitable markers.—*

(1) *That portion of U.S. Highway 1 between Finch Avenue and Trout River Boulevard in Duval County is designated as "Robert L. Brown, Sr., Highway."*

(2) *The Department of Transportation is directed to erect suitable markers designating Robert L. Brown, Sr., Highway as described in subsection (1).*

Section 19. *Barbara Van Blake Parkway designated; Department of Transportation to erect suitable markers.—*

(1) *That portion of Lem Turner Road between Interstate 95 and Edgewood Avenue in Duval County is designated as "Barbara Van Blake Parkway."*

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

Section 20. *MaVynne "The Beach Lady" Betsch Highway designated; Department of Transportation to erect suitable markers.—*

(1) *That portion of Florida First Coast Highway beginning at Burney Road and continuing north through the 5500 block of Florida First Coast Highway in Nassau County is designated as "MaVynne 'The Beach Lady' Betsch Highway."*

(2) *The Department of Transportation is directed to erect suitable markers designating MaVynne "The Beach Lady" Betsch Highway as described in subsection (1).*

Section 21. *Brian D. Little Road designated; Department of Transportation to erect suitable markers.—*

(1) *That portion of State Road 188 between State Road 189 and State Road 85 in Okaloosa County is designated as "Brian D. Little Road."*

(2) *The Department of Transportation is directed to erect suitable markers designating Brian D. Little Road as described in subsection (1).*

Section 22. *John Land Apopka Expressway designated; Department of Transportation to erect suitable markers.—*

(1) *That portion of State Road 414 known as Maitland Boulevard that extends west from U.S. Highway 441 to the City of Apopka before heading north to U.S. Highway 441 near County Road 437, which is commonly known as Maitland Boulevard Extension, is designated as "John Land Apopka Expressway."*

(2) *The Department of Transportation is directed to erect suitable markers designating John Land Apopka Expressway as described in subsection (1).*

Section 23. *George C. Means Memorial Bridge designated; Department of Transportation to erect suitable markers.—*

(1) *The replacement bridge over Lake Jesup on State Road 46 near Sanford designated as the "George C. Means Memorial Bridge."*

(2) *The Department of Transportation is directed to erect suitable markers designating the George C. Means Memorial Bridge as described in subsection (1).*

Section 24. *Patrick D. Smith Causeway designated; Department of Transportation to erect suitable markers.—*

(1) *The portion of State Road 520 in Brevard County which is between mile post 13.2 and mile post 15.3 and lies approximately between the West Banana River and Cape Canaveral Hospital is designated as the "Patrick D. Smith Causeway."*

(2) *The Department of Transportation is directed to erect suitable markers designating the Patrick D. Smith Causeway as described in subsection (1).*

Section 25. *Charles M. Parker Bridge designated; Department of Transportation to erect suitable markers.—*

(1) *The Canal Park Bridge on U.S. Highway 98 in the City of Mexico Beach in Bay County is designated as the "Charles M. Parker Bridge."*

(2) *The Department of Transportation is directed to erect suitable markers designating the Charles M. Parker Bridge as described in subsection (1).*

Section 26. *Rosa Parks Memorial Highway designated; Department of Transportation to erect suitable markers.—*

(1) *That portion of U.S. Highway 301 from State Road 40 in Marion County through the City of Waldo in Alachua County is designated as "Rosa Parks Memorial Highway."*

(2) *The Department of Transportation is directed to erect suitable markers designating Rosa Parks Memorial Highway as described in subsection (1).*

Section 27. *Veterans Memorial Parkway designated; Department of Transportation to erect suitable markers.—*

(1) *That portion of U.S. 41 in the City of Jasper in Hamilton County from its intersection with U.S. 129 to the southern city limit is designated as "Veterans Memorial Parkway."*

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

Section 28. *Austin Dewey Gay Memorial Agricultural Inspection Station designated; Department of Agriculture and Consumer Services to erect suitable markers.—*

(1) *The inspection station of the Department of Agriculture and Consumer Services which is located at the 1-mile marker on Interstate Highway 10 in Escambia County is designated as the "Austin Dewey Gay Memorial Agricultural Inspection Station."*

(2) *The Department of Agriculture and Consumer Services is directed to erect suitable markers designating the Austin Dewey Gay Memorial Agricultural Inspection Station as described in subsection (1).*

Section 29. This act shall take effect July 1, 2006.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to transportation facility designations; designating Osun's Village and African Caribbean Cultural Arts Corridor in Miami-Dade County; designating Burl Marler Walkway in Okaloosa County; designating Dr. Phillip A. Payne Bridge in Escambia County; designating Carlos C. Lopez-Aguilar Way, Reverend Samuel Atchison Boulevard, Toussaint L'Ouverture Boulevard, and the Adam Leigh Cann Building in Miami-Dade County; repealing s. 6, ch. 2003-296, Laws of Florida, relating to a prior designation of Toussaint L'Ouverture Boulevard; designating A.B. Martin Street in Miami-Dade County; designating Senator N. Ray Carroll Memorial Interchange in Osceola County; designating Leighton Lee Baker Memorial Highway in Lake County; designating Trinchitella Boulevard in Broward County; designating John Van Waters Memorial Highway in Pasco County; designating Emilio Ochoa Boulevard in Miami-Dade County; designating Eddie Mae Steward Avenue, Mary L. Austin Jones Avenue, Flossie Brunson Avenue, Robert L. Brown, Sr., Highway, and Barbara Van Blake Parkway in Duval County; designating MaVynne "The Beach Lady" Betsch Highway in Nassau County; designating Brian D. Little Road in Okaloosa County; designating John Land Apopka Expressway in Orange County; designating the replacement bridge over Lake Jesup on State Road 46 near Sanford as the "George C. Means Memorial Bridge"; designating a portion of State Road 520 in Brevard County as the "Patrick D. Smith Causeway"; designating the Charles M. Parker Bridge in Bay County; designating Rosa Parks Memorial Highway in Alachua and Marion Counties; designating Veterans Memorial Parkway in Hamilton County; directing the Department of Transportation to erect suitable markers; designating the Austin Dewey Gay Memorial Agricultural Inspection Station in Escambia County; directing the Department of Agriculture and Consumer Services to erect markers; providing an effective date.

Pursuant to Rule 4.19, **HB 121** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

CS for CS for SB 360—A bill to be entitled An act relating to the Commission on Capital Cases; amending s. 27.701, F.S.; specifying that the capital collateral regional counsels are a part of the legislative branch; providing for the appointment of the capital collateral regional counsels by the President of the Senate and the Speaker of the House

of Representatives; amending s. 27.702, F.S.; removing the requirement that the Justice Administrative Commission provide administrative support to the capital collateral regional counsels; amending s. 27.709, F.S.; specifying that the Commission on Capital Cases is a part of the legislative branch; authorizing the Commission on Capital Cases to sponsor continuing legal education programs devoted specifically to capital cases; amending s. 27.710, F.S.; specifying criteria that a private attorney must satisfy in order to be eligible to be appointed as counsel in a postconviction capital collateral proceeding; providing that a judge may appoint an attorney who does not meet the appointment criteria if exceptional circumstances exist; providing that an attorney may be removed from the capital collateral registry if the attorney does not meet the criteria; directing the executive director of the commission to remove an attorney from the registry if the attorney fails to timely file an executed contract; requiring a private attorney appointed by a court to represent a capital defendant to submit a report each quarter to the commission; requiring that the executive director remove an attorney from the registry if the attorney does not submit the report within a specified time; requiring that an attorney make reasonable efforts to assist the person under a sentence of death in finding an attorney under certain circumstances; amending s. 27.711, F.S.; providing that an attorney who is listed on the registry and representing at least one capital defendant is entitled to tuition and expenses for continuing legal education courses; providing that an attorney may represent no more than 7 inmates in capital postconviction cases at any one time; authorizing a trial judge to award fees exceeding those set by law; requiring a judge intending to award such fees to make specific written findings of fact; amending s. 216.011, F.S.; providing that the capital collateral regional counsels are not a state agency; providing an effective date.

—was read the second time by title.

Senator Campbell moved the following amendment which was adopted:

Amendment 1 (120086)(with title amendment)—On page 11, lines 24 and 25, delete those lines and insert: hour, up to a maximum of \$2,500, *before after* accepting appointment and filing a notice of appearance to review the files and status of the case in order to determine whether to accept appointment under the payment schedule in s. 27.711. *If, after review of the case, the attorney determines that payment under the statutory schedule would not provide adequate compensation for the foreseeable duties associated with the prospective appointment, the attorney must either decline the appointment or submit to the Chief Financial Officer for approval a proposed budget that sets forth the attorney's projection of the number of hours and duties necessary for the representation. If the Chief Financial Officer does not approve the budget, the attorney shall notify the court that he or she is unable to accept the proposed appointment. If the Chief Financial Officer approves the attorney's proposed budget, the attorney must accept the representation and execute with the Chief Financial Officer a fixed-fee contract that incorporates the budget. By executing the contract, the attorney agrees that the contract is a fixed-fee contract and must be strictly construed and interpreted under general contract law, notwithstanding the cases of Makemson and its progeny.*

And the title is amended as follows:

On page 2, line 10, after the second semicolon (;) insert: providing that an attorney may submit to the Chief Financial Officer for approval a proposed budget as an alternative to the statutory attorney's fees for representing a capital defendant; requiring the attorney to accept representation and execute a fixed-fee contract if the proposed budget is approved;

Pursuant to Rule 4.19, **CS for CS for SB 360** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Wise—

CS for SB 526—A bill to be entitled An act relating to juvenile defendants; amending s. 27.51, F.S.; requiring that the public defender represent an indigent child taken into custody under specified delinquency provisions; amending s. 985.203, F.S.; requiring that a child be represented at a specified point in delinquency court proceedings unless the right to counsel is waived after receiving advice of counsel; providing that counsel be permitted to advise a child after a specified point in

delinquency court proceedings; requiring that the court appoint counsel for an indigent child if the child's parent or legal guardian is the alleged victim in the case; providing that the parents or legal guardian is not liable for fees, charges, or costs upon a finding by the court that a parent or legal guardian is a victim of the offense; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 526** was placed on the calendar of Bills on Third Reading.

On motion by Senator Webster—

CS for SB 708—A bill to be entitled An act relating to interference with custody; amending s. 787.03, F.S.; specifying that the offense of interference with custody applies to the taking of a minor; revising a defense for a person who is a victim of domestic violence to require that interference with custody is necessary to escape the violence or to preserve the minor or incompetent person from exposure to the violence; revising a defense when a minor or incompetent person instigates his or her taking to require a showing that it was reasonable for the defendant to rely upon the instigating acts; broadening an exception from the statute beyond a spouse to include certain other persons who take a minor or incompetent person and follow prescribed procedures; including the taking of an incompetent person within those procedures required under the statutory exception; clarifying which offenses may be covered by the exception; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 708** to **HB 7111**.

Pending further consideration of **CS for SB 708** as amended, on motion by Senator Webster, by two-thirds vote **HB 7111** was withdrawn from the Committees on Judiciary; and Criminal Justice.

On motion by Senator Webster—

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.

—a companion measure, was substituted for **CS for SB 708** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 7111** was placed on the calendar of Bills on Third Reading.

On motion by Senator Webster—

CS for SB 710—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 787.03, F.S.;

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

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 710** to **HB 7113**.

Pending further consideration of **CS for SB 710** as amended, on motion by Senator Webster, by two-thirds vote **HB 7113** was withdrawn from the Committees on Judiciary; Criminal Justice; Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator Webster—

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.

—a companion measure, was substituted for **CS for SB 710** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 7113** was placed on the calendar of Bills on Third Reading.

On motion by Senator Posey—

CS for CS for SB 940—A bill to be entitled An act relating to court costs for drug court programs; creating s. 938.20, F.S.; authorizing counties to provide by ordinance for funding of drug court programs through the assessment of an additional mandatory court cost; providing for the assessment to be imposed against persons who plead guilty or no contest to, or are convicted of, certain drug-abuse prevention and control provisions or certain local ordinances or uniform traffic control laws involving alcohol or other substance use or abuse; providing for collection and deposit of the assessment; providing for administration of the funds; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 940** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1966** was deferred.

On motion by Senator Rich—

SB 1850—A bill to be entitled An act relating to programs of the Department of Children and Family Services; amending s. 397.451, F.S.; requiring service provider personnel who request an exemption from disqualification to submit the request within a certain time after notification of the disqualification; deleting a provision requiring immediate dismissal of service provider personnel upon disapproval of a request for an exemption; prohibiting the department from issuing a regular license to a service provider that fails to provide proof that background screening information has been submitted; repealing s. 3, ch. 2003-279, Laws

of Florida; abrogating the repeal of s. 20.19(2)(c) and (4)(b)6. and 8., F.S., relating to the appointment of certain mental health and substance abuse positions and the establishment of program offices for mental health and substance abuse; providing an effective date.

—was read the second time by title.

The Committee on Children and Families recommended the following amendments which were moved by Senator Rich and adopted:

Amendment 1 (975036)(with title amendment)—On page 1, between lines 24 and 25, insert:

Section 1. Subsection (31) of section 394.455, Florida Statutes, is amended, and subsections (34) and (35) are added to that section, to read:

394.455 Definitions.—As used in this part, unless the context clearly requires otherwise, the term:

(31) “Service provider” means any public or private receiving facility, an entity under contract with the Department of Children and Family Services to provide mental health services, a clinical psychologist, a clinical social worker, a *marriage and family therapist*, a *mental health counselor*, a physician, psychiatric nurse as defined in subsection (23), or a community mental health center or clinic as defined in this part.

(34) “*Marriage and family therapist*” means a person licensed as a *marriage and family therapist* under chapter 491.

(35) “*Mental health counselor*” means a person licensed as a *mental health counselor* under chapter 491.

Section 2. Paragraph (a) of subsection (2) of section 394.463, Florida Statutes, is amended to read:

394.463 Involuntary examination.—

(2) INVOLUNTARY EXAMINATION.—

(a) An involuntary examination may be initiated by any one of the following means:

1. A court may enter an ex parte order stating that a person appears to meet the criteria for involuntary examination, giving the findings on which that conclusion is based. The ex parte order for involuntary examination must be based on sworn testimony, written or oral. If other less restrictive means are not available, such as voluntary appearance for outpatient evaluation, a law enforcement officer, or other designated agent of the court, shall take the person into custody and deliver him or her to the nearest receiving facility for involuntary examination. The order of the court shall be made a part of the patient’s clinical record. No fee shall be charged for the filing of an order under this subsection. Any receiving facility accepting the patient based on this order must send a copy of the order to the Agency for Health Care Administration on the next working day. The order shall be valid only until executed or, if not executed, for the period specified in the order itself. If no time limit is specified in the order, the order shall be valid for 7 days after the date that the order was signed.

2. A law enforcement officer shall take a person who appears to meet the criteria for involuntary examination into custody and deliver the person or have him or her delivered to the nearest receiving facility for examination. The officer shall execute a written report detailing the circumstances under which the person was taken into custody, and the report shall be made a part of the patient’s clinical record. Any receiving facility accepting the patient based on this report must send a copy of the report to the Agency for Health Care Administration on the next working day.

3. A physician, clinical psychologist, psychiatric nurse, mental health counselor, *marriage and family therapist*, or clinical social worker may execute a certificate stating that he or she has examined a person within the preceding 48 hours and finds that the person appears to meet the criteria for involuntary examination and stating the observations upon which that conclusion is based. If other less restrictive means are not available, such as voluntary appearance for outpatient evaluation, a law enforcement officer shall take the person named in the certificate into custody and deliver him or her to the nearest receiving facility for

involuntary examination. The law enforcement officer shall execute a written report detailing the circumstances under which the person was taken into custody. The report and certificate shall be made a part of the patient’s clinical record. Any receiving facility accepting the patient based on this certificate must send a copy of the certificate to the Agency for Health Care Administration on the next working day.

Section 3. Paragraphs (a) and (c) of subsection (2) of section 394.4655, Florida Statutes, are amended to read:

394.4655 Involuntary outpatient placement.—

(2) INVOLUNTARY OUTPATIENT PLACEMENT.—

(a)1. A patient may be retained by a receiving facility upon the recommendation of the administrator of a receiving facility where the patient has been examined and after adherence to the notice of hearing procedures provided in s. 394.4599. The recommendation must be supported by the opinion of a psychiatrist and the second opinion of a clinical psychologist or another psychiatrist, both of whom have personally examined the patient within the preceding 72 hours, that the criteria for involuntary outpatient placement are met. However, in a county having a population of fewer than 50,000, if the administrator certifies that no psychiatrist or clinical psychologist is available to provide the second opinion, the second opinion may be provided by a licensed physician who has postgraduate training and experience in diagnosis and treatment of mental and nervous disorders or by a psychiatric nurse as defined in this chapter. Such a recommendation must be entered on an involuntary outpatient placement certificate, which certificate must authorize the receiving facility to retain the patient pending completion of a hearing. The certificate shall be made a part of the patient’s clinical record.

2. If the patient has been stabilized and no longer meets the criteria for involuntary examination pursuant to s. 394.463(1), the patient must be released from the receiving facility while awaiting the hearing for involuntary outpatient placement. Prior to filing a petition for involuntary outpatient treatment, the administrator of a receiving facility or a designated department representative shall identify the service provider that will have primary responsibility for service provision under an order for involuntary outpatient placement, unless the person is otherwise participating in outpatient psychiatric treatment and is not in need of public financing for that treatment, in which case the individual, if eligible, may be ordered to involuntary treatment pursuant to the existing psychiatric treatment relationship.

3. The service provider shall prepare a written proposed treatment plan in consultation with the patient or the patient’s guardian advocate, if appointed, for the court’s consideration for inclusion in the involuntary outpatient placement order. The service provider shall also provide a copy of the proposed treatment plan to the patient and the administrator of the receiving facility. The treatment plan must specify the nature and extent of the patient’s mental illness. The treatment plan must address the reduction of symptoms that necessitate involuntary outpatient placement and include measurable goals and objectives for the services and treatment that are provided to treat the person’s mental illness and to assist the person in living and functioning in the community or to attempt to prevent a relapse or deterioration. Service providers may select and provide supervision to other individuals to implement specific aspects of the treatment plan. The services in the treatment plan must be deemed to be clinically appropriate by a physician, clinical psychologist, psychiatric nurse, *mental health counselor*, *marriage and family therapist*, or clinical social worker, as defined in this chapter, who consults with, or is employed or contracted by, the service provider. The service provider must certify to the court in the proposed treatment plan whether sufficient services for improvement and stabilization are currently available and whether the service provider agrees to provide those services. If the service provider certifies that the services in the proposed treatment plan are not available, the petitioner may not file the petition.

(c)1. The administrator of the treatment facility shall provide a copy of the involuntary outpatient placement certificate and a copy of the state mental health discharge form to a department representative in the county where the patient will be residing. For persons who are leaving a state mental health treatment facility, the petition for involuntary outpatient placement must be filed in the county where the patient will be residing.

2. The service provider that will have primary responsibility for service provision shall be identified by the designated department repre-

sentative prior to the order for involuntary outpatient placement and must, prior to filing a petition for involuntary outpatient placement, certify to the court whether the services recommended in the patient's discharge plan are available in the local community and whether the service provider agrees to provide those services. The service provider must develop with the patient, or the patient's guardian advocate, if appointed, a treatment or service plan that addresses the needs identified in the discharge plan. The plan must be deemed to be clinically appropriate by a physician, clinical psychologist, psychiatric nurse, *mental health counselor, marriage and family therapist*, or clinical social worker, as defined in this chapter, who consults with, or is employed or contracted by, the service provider.

3. If the service provider certifies that the services in the proposed treatment or service plan are not available, the petitioner may not file the petition.

Section 4. Paragraph (e) of subsection (6) of section 394.467, Florida Statutes, is amended to read:

394.467 Involuntary inpatient placement.—

(6) HEARING ON INVOLUNTARY INPATIENT PLACEMENT.—

(e) The administrator of the receiving facility shall provide a copy of the court order and adequate documentation of a patient's mental illness to the administrator of a treatment facility whenever a patient is ordered for involuntary inpatient placement, whether by civil or criminal court. ~~The Such~~ documentation shall include any advance directives made by the patient, a psychiatric evaluation of the patient, and any evaluations of the patient performed by a clinical psychologist, a *marriage and family therapist, a mental health counselor*, or a clinical social worker. The administrator of a treatment facility may refuse admission to any patient directed to its facilities on an involuntary basis, whether by civil or criminal court order, who is not accompanied at the same time by adequate orders and documentation.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 3, after the semicolon (;) insert: amending s. 394.455, F.S.; providing and revising definitions; amending s. 394.463, F.S.; providing that a marriage and family therapist may execute a certificate for involuntary examination; amending s. 394.4655, F.S.; providing that a marriage and family therapist or mental health counselor may deem a services treatment plan clinically appropriate for an involuntary outpatient placement; amending s. 394.467, F.S.; requiring that documentation of any evaluation performed by a marriage and family therapist or mental health counselor be provided when a patient is ordered for involuntary inpatient placement;

Amendment 2 (785890)(with title amendment)—On page 1, line 25, insert:

Section 1. Subsection (6) of section 383.0115, Florida Statutes, is amended to read:

383.0115 The Commission on Marriage and Family Support Initiatives.—

(6) Pursuant to the requirements in s. 20.052(2), the department shall advise the Legislature when the commission ceases to be essential to the furtherance of a public purpose. ~~This section is repealed on June 30, 2008, unless reviewed and saved from repeal through reenactment by the Legislature.~~

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 3, after the semicolon (;) insert: amending s. 383.0115, F.S.; deleting a provision that repeals the Commission on Marriage and Family Support Initiatives; directing the Department of Children and Family Services to advise the Legislature when the commission ceases to be essential;

The Committee on Children and Families recommended the following amendment which was moved by Senator Campbell and adopted:

Amendment 3 (200164)(with title amendment)—On page 2, lines 4-6, delete “The employment of service provider personnel shall not be adversely affected pending disposition of the request for an exemption.” and insert: *Upon notification of the disqualification, the service provider shall comply with requirements regarding exclusion from employment in s. 435.06.* ~~The employment of service provider personnel shall not be adversely affected pending disposition of the request for an exemption.~~

And the title is amended as follows:

On page 1, lines 8-15, delete those lines and insert: disqualification; deleting a provision specifying that service provider personnel shall not be adversely affected pending disposition of an exemption from disqualification; deleting a provision requiring immediate dismissal of service provider personnel upon disapproval of a request for an exemption; prohibiting the department from issuing a regular license to a service provider that fails to provide proof that background screening information has been submitted providing that upon notification of the disqualification, the service provider shall comply with requirements regarding exclusions from employment in s. 435.06, F.S.; repealing s. 3, ch. 2003-279, Laws

Senator Campbell moved the following amendment which was adopted:

Amendment 4 (341352)(with title amendment)—On page 2, between lines 12 and 13, insert:

Section 2. (1) *The Department of Children and Family Services, the Agency for Persons with Disabilities, the Department of Health, the Agency for Health Care Administration, and the Department of Elderly Affairs shall convene a workgroup for the purpose of developing and implementing a workable statewide system of ensuring that adults with disabilities are provided ready access to the programs most likely to meet their needs. The system shall avoid duplication of services and unnecessary delay in providing needed services. The participating agencies shall implement improvements that maximize access to the services provided under applicable state and federal laws, with an emphasis on developing strategies for overcoming barriers to the timely access to services.*

(2) *The Department of Children and Family Services shall coordinate the activities of the interagency workgroup, which shall include representatives from the state agencies specified in subsection (1) and may include other representatives whom the workgroup identifies as necessary to complete its tasks.*

(3) *The interagency workgroup shall, at a minimum, address:*

(a) *Existing barriers to providing timely access to services for disabled individuals, including the requirements of any targeted service delivery;*

(b) *Existing resources for overcoming identified barriers;*

(c) *Additional resources that are needed in order to overcome identified barriers, including recommendations for any needed legislative action or additional funding for programs; and*

(d) *The need for cooperative agreements among the agencies.*

(3) *The workgroup shall report to the Governor and the Legislature its findings and recommendations relating to each responsibility, including recommendations for legislation if necessary, by January 31, 2007, and shall submit a final report by January 31, 2008. The workgroup is dissolved upon submission of its final report.*

(4) *Members of the interagency workgroup shall serve without compensation and each participating agency shall support the travel, per diem, and other expenses of its representatives.*

(5) *The recommendations of the workgroup shall be incorporated into the interagency agreements described in s. 408.302, Florida Statutes.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 16, after the semicolon (;) insert: requiring the Department of Children and Family Services, the Agency for Persons with Disabilities, the Department of Health, the Agency for Health Care

Administration, and the Department of Elderly Affairs to convene a workgroup for the purpose of implementing a statewide system for ensuring the provision of services for adults with disabilities; requiring that the Department of Children and Family Services coordinate the workgroup; requiring the workgroup to report to the Governor and the Legislature by a specified date; requiring the participating agencies to support the expenses of workgroup members; requiring that the recommendations of the workgroup be incorporated into certain interagency agreements;

Pursuant to Rule 4.19, **SB 1850** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Peaden, by two-thirds vote **HB 7043** was withdrawn from the Committees on Health Care; Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator Peaden—

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 language; removing the scheduled repeal of the exemption; providing an effective date.

—a companion measure, was substituted for **CS for SB 514** and read the second time by title.

Pursuant to Rule 4.19, **HB 7043** was placed on the calendar of Bills on Third Reading.

On motion by Senator Constantine—

CS for SB 1024—A bill to be entitled An act relating to deferred compensation programs; amending s. 112.215, F.S.; revising the term “employee” and defining the term “governmental entity”; authorizing governmental entities, by ordinance, contract agreement, or other documentation, to participate in the deferred compensation plan of the state and specifying responsibility of the Chief Financial Officer with respect thereto; revising the duties of the State Board of Administration regarding the establishment and management of deferred compensation plans for employees of governmental entities; amending s. 20.121, F.S., relating to the Department of Financial Services, to conform; providing effective dates.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1024** was placed on the calendar of Bills on Third Reading.

On motion by Senator Lynn—

CS for CS for SB 1510—A bill to be entitled An act relating to child care; amending s. 402.281, F.S.; providing criteria that certain child care facilities must meet in order to obtain and maintain a designation as a Gold Seal Quality Care provider; requiring the Department of Children and Family Services to adopt rules pertaining to the Gold Seal Quality Care program; amending s. 402.302, F.S.; revising the definition of the term “screening” to include volunteers; amending s. 402.310, F.S.; authorizing the department or local licensing agency to administer certain disciplinary sanctions to licensees and registrants; authorizing the department or local licensing agency to convert a license or registration to probation status for a violation of certain laws; requiring the department to adopt rules establishing the grounds for imposing disciplinary actions and creating a uniform system of procedures; amending s. 402.313, F.S.; deleting a provision that authorizes the department or local licensing agency to impose an administrative fine on family day care homes that fail to comply with licensure or registration requirements; providing that the minimum standards required for family day care homes for licensure should include health and safety standards; amending s.

402.3131, F.S.; deleting a provision that authorizes the department or local licensing agency to impose an administrative fine on large family child care homes that fail to comply with licensure requirements; transferring, renumbering, and amending s. 402.3017, F.S.; revising the provisions of the Teacher Education and Compensation Helps scholarship program; authorizing the Agency for Workforce Innovation to administer the program and adopt rules; amending s. 402.309, F.S.; authorizing the issuance of a provisional license or registration for child care to certain applicants; prohibiting a provisional license or registration from being issued under certain circumstances; authorizing the suspension or revocation of a provisional license or registration under certain circumstances; requiring the department to adopt rules; creating s. 402.317, F.S.; authorizing the provision of child care for a period longer than otherwise authorized if a parent or legal guardian works a shift of 24 hours or more; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 1510** was placed on the calendar of Bills on Third Reading.

On motion by Senator Dockery—

CS for SB 2242—A bill to be entitled An act relating to driver history records; creating the “Jeffrey Klapatch Act”; amending s. 322.20, F.S.; providing for the Division of Driver Licenses of the Department of Highway Safety and Motor Vehicles to implement a system that provides the adult who signed a minor's application for a driver's license with Internet access to the driver history record of the minor; providing for termination of such access; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2242** was placed on the calendar of Bills on Third Reading.

On motion by Senator Peaden, by two-thirds vote **HB 7045** was withdrawn from the Committees on Health Care; Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator Peaden—

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.

—a companion measure, was substituted for **CS for SB 516** and read the second time by title.

Pursuant to Rule 4.19, **HB 7045** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 786** was deferred.

On motion by Senator Bennett—

CS for SB 1218—A bill to be entitled An act relating to recovering, towing, or storing vehicles and vessels; amending ss. 125.0103 and 166.043, F.S.; prescribing the rates for towing and storage in counties and municipalities that have not established rates; amending s. 321.051, F.S.; requiring the rates for the wrecker operator system of the Florida Highway Patrol to be established and adjusted annually based on the

Consumer Price Index; amending s. 713.78, F.S.; revising certain requirements that notice be provided by mail to the owner, insurance company, and persons claiming a lien against the vehicle or vessel; providing duties of the Department of Highway Safety and Motor Vehicles and of towing-storage operators; revising certain public notice requirements related to the sale of unclaimed vehicles or vessels; providing for rulemaking by the department; providing an effective date.

—was read the second time by title.

MOTION

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

Senator Bennett moved the following amendment which was adopted:

Amendment 1 (573338)(with title amendment)—On page 3, line 30 through page 9, line 19, delete those lines and insert: *These rates must be reviewed biannually in June for the purpose of ensuring that the rates are equitable.* Such rates shall not be considered rules for the purpose of chapter 120; however, the department shall establish by rule a procedure for setting such rates. Any provision in chapter 120 to the contrary notwithstanding, a final order of the department denying, suspending, or revoking a wrecker operator's participation in the system shall be reviewable in the manner and within the time provided by the Florida Rules of Appellate Procedure only by a writ of certiorari issued by the circuit court in the county wherein such wrecker operator resides.

Section 4. Subsections (2), (4), and (6) of section 713.78, Florida Statutes, are amended to read:

713.78 Liens for recovering, towing, or storing vehicles and vessels.—

(2) Whenever a person regularly engaged in the business of transporting vehicles or vessels by wrecker, tow truck, or car carrier recovers, removes, or stores a vehicle or vessel upon instructions from:

- (a) The owner thereof;
- (b) The owner or lessor, or a person authorized by the owner or lessor, of property on which such vehicle or vessel is wrongfully parked, and the removal is done in compliance with s. 715.07; or
- (c) Any law enforcement agency,

she or he shall have a lien on the vehicle or vessel for a reasonable towing fee and for a reasonable storage fee; except that no storage fee shall be charged if the vehicle is stored for less than 6 hours.

(4)(a) Any person regularly engaged in the business of recovering, towing, or storing vehicles or vessels who comes into possession of a vehicle or vessel pursuant to subsection (2), and who claims a lien for recovery, towing, or storage services, shall give notice to the registered owner, to the insurance company insuring the vehicle notwithstanding the provisions of s. 627.736, and to all persons claiming a lien thereon, as disclosed by the records in the Department of Highway Safety and Motor Vehicles or of a corresponding agency in any other state.

(b) Whenever any law enforcement agency authorizes the removal of a vehicle or vessel or whenever any towing service, garage, repair shop, or automotive service, storage, or parking place notifies the law enforcement agency of possession of a vehicle or vessel pursuant to s. 715.07(2)(a)2., the applicable law enforcement agency shall contact the Department of Highway Safety and Motor Vehicles, or the appropriate agency of the state of registration, if known, within 24 hours through the medium of electronic communications, giving the full description of the vehicle or vessel. Upon receipt of the full description of the vehicle or vessel, the department shall search its files to determine the owner's name, the insurance company insuring the vehicle or vessel, and whether any person has filed a lien upon the vehicle or vessel as provided in s. 319.27(2) and (3) and notify the applicable law enforcement agency within 72 hours. The person in charge of the towing service, garage, repair shop, or automotive service, storage, or parking place shall obtain such information from the applicable law enforcement agency within 5 days after the date of storage and shall give notice pursuant to paragraph (a). The department may release the insurance company information to the requestor notwithstanding the provisions of s. 627.736.

(c) Notice by certified mail, ~~return receipt requested~~, shall be sent within 7 business days after the date of storage of the vehicle or vessel to the registered owner, the insurance company insuring the vehicle notwithstanding the provisions of s. 627.736, and all persons of record claiming a lien against the vehicle or vessel. *Proof of mailing must be provided upon request to any person involved in an action.* ~~The notice must~~ ~~It shall~~ state the fact of possession of the vehicle or vessel, that a lien as provided in subsection (2) is claimed, that charges have accrued and the amount thereof, that the lien is subject to enforcement pursuant to law, ~~and~~ that the owner or lienholder, if any, has the right to a hearing as set forth in subsection (5), and that any vehicle or vessel ~~that which~~ remains unclaimed, or for which the charges for recovery, towing, or storage services remain unpaid, may be sold free of all prior liens after 35 days if the vehicle or vessel is more than 3 years of age or after 50 days if the vehicle or vessel is 3 years of age or less.

(d) If attempts to locate the name and address of the owner or lienholder prove unsuccessful, the towing-storage operator shall, after 7 working days, excluding Saturday and Sunday, ~~following~~ of the initial tow or storage, notify the public agency of jurisdiction in writing by certified mail or acknowledged hand delivery that the towing-storage company has been unable to locate the name and address of the owner or lienholder and a physical search of the vehicle or vessel has disclosed no ownership information and a good faith effort has been made. *Proof of mailing must be provided upon request to any person involved in an action.* For purposes of this paragraph and subsection (9), "good faith effort" means that the following checks have been performed by the company to establish prior state of registration and for title:

1. Check of vehicle or vessel for any type of tag, tag record, temporary tag, or regular tag.
2. Check of law enforcement report for tag number or other information identifying the vehicle or vessel, if the vehicle or vessel was towed at the request of a law enforcement officer.
3. Check of trip sheet or tow ticket of tow truck operator to see if a tag was on vehicle or vessel at beginning of tow, if private tow.
4. If there is no address of the owner on the impound report, check of law enforcement report to see if an out-of-state address is indicated from driver license information.
5. Check of vehicle or vessel for inspection sticker or other stickers and decals that may indicate a state of possible registration.
6. Check of the interior of the vehicle or vessel for any papers that may be in the glove box, trunk, or other areas for a state of registration.
7. Check of vehicle for vehicle identification number.
8. Check of vessel for vessel registration number.
9. Check of vessel hull for a hull identification number which should be carved, burned, stamped, embossed, or otherwise permanently affixed to the outboard side of the transom or, if there is no transom, to the outmost seaboard side at the end of the hull that bears the rudder or other steering mechanism.

(6) Any vehicle or vessel ~~that which~~ is stored pursuant to subsection (2) and ~~that which~~ remains unclaimed, or for which reasonable charges for the recovery, towing, or storage services ~~storing~~ remain unpaid, and any contents not released pursuant to subsection (10), may be sold by the owner or operator of the storage space for such recovery, towing, or storage charges and the administrative costs authorized under this subsection ~~charge~~ after 35 days ~~following from~~ the time the vehicle or vessel is stored therein if the vehicle or vessel is more than 3 years of age or after 50 days following the time the vehicle or vessel is stored therein if the vehicle or vessel is 3 years of age or less. The sale shall be at public auction for cash. *An administrative cost is authorized under this subsection if it is based on the applicable administrative charge imposed by ordinance or, if an administrative charge is not imposed by ordinance, if the administrative cost is not more than the lesser of \$100 or 30 percent of the unpaid recovery, towing, and storage charges.* If the date of the sale was not included in the notice required in subsection (4), notice of the sale shall be given to the person in whose name the vehicle or vessel is registered and to all persons claiming a lien on the vehicle or vessel as shown on the records of the Department of Highway Safety and Motor Vehicles or of the corresponding agency in any other state. Notice shall

be sent by certified mail, ~~return receipt requested~~, to the owner of the vehicle or vessel and the person having the recorded lien on the vehicle or vessel at the address shown on the records of the registering agency and shall be mailed not less than 15 days before the date of the sale. *Proof of mailing must be provided upon request to any person involved in an action.* After diligent search and inquiry, if the name and address of the registered owner or the owner of the recorded lien cannot be ascertained, the requirements of notice by mail may be dispensed with. In addition to the notice by mail, public notice of the time and place of sale shall be made by publishing a notice thereof one time, at least 10 days prior to the date of the sale, in a newspaper of general circulation in the county in which the sale is to be held. The proceeds of the sale, after payment of reasonable *recovery*, towing, and storage charges, and costs of the sale, in that order of priority, shall be deposited with the clerk of the circuit court for the county if the owner is absent, and the clerk shall hold such proceeds subject to the claim of the person legally entitled thereto. The clerk shall be entitled to receive 5 percent of such proceeds for the care and disbursement thereof. The certificate of title issued under this law shall be discharged of all liens unless otherwise provided by court order.

And the title is amended as follows:

On page 1, lines 10-20, delete those lines and insert: biannually for the purpose of ensuring that the rates are equitable; amending s. 713.78, F.S.; revising provisions governing the amount for which an unclaimed vehicle or vessel may be sold by the owner or operator of the storage space vehicles and vessels; revising certain requirements that notice be provided by mail to the owner, insurance company, and persons claiming a lien against the vehicle or vessel; providing an effective date.

Pursuant to Rule 4.19, **CS for SB 1218** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Diaz de la Portilla, by two-thirds vote **HB 7033** was withdrawn from the Committees on Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator Diaz de la Portilla—

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.

—a companion measure, was substituted for **CS for SB 696** and read the second time by title.

Pursuant to Rule 4.19, **HB 7033** was placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

CS for CS for SB 2184—A bill to be entitled An act relating to parental relocation with a child; amending s. 61.13, F.S.; deleting standards for determining whether to allow a primary residential parent to move a child; creating s. 61.13001, F.S.; providing definitions; providing for the relocation of a child by agreement; providing for notification of certain persons of the intent to relocate a child and providing procedures therefor; requiring that certain information be provided on a Notice of Intent to Relocate; providing procedures for objecting to the relocation of a child; providing applicability of public records law; providing for content of an objection to relocation; authorizing the court to grant a temporary order restraining the relocation of a child under certain circumstances; prohibiting certain presumptions and requiring that certain factors be evaluated by the court with regard to relocation of a child; assigning the burden of proof in cases of relocation of a child; authorizing

the court to order certain contact with the child by the nonrelocating party; granting priority for certain hearings and trials under s. 61.13001, F.S.; amending s. 28.241, F.S.; providing that the filing of certain notices and orders regarding an uncontested relocation are exempt from filing fees; providing applicability; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 2184** was placed on the calendar of Bills on Third Reading.

On motion by Senator Diaz de la Portilla, by two-thirds vote **HB 7023** was withdrawn from the Committees on Domestic Security; Health Care; Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator Diaz de la Portilla—

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.

—a companion measure, was substituted for **CS for SB 698** and read the second time by title.

Pursuant to Rule 4.19, **HB 7023** was placed on the calendar of Bills on Third Reading.

On motion by Senator Haridopolos, by two-thirds vote **HB 273** was withdrawn from the Committees on Transportation; Community Affairs; and Judiciary.

On motion by Senator Haridopolos—

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.

—a companion measure, was substituted for **CS for CS for SB 566** and read the second time by title.

Pursuant to Rule 4.19, **HB 273** was placed on the calendar of Bills on Third Reading.

On motion by Senator Diaz de la Portilla, by two-thirds vote **HB 7025** was withdrawn from the Committees on Domestic Security; Health Care; Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator Diaz de la Portilla—

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.

—a companion measure, was substituted for **CS for SB 700** and read the second time by title.

Pursuant to Rule 4.19, **HB 7025** was placed on the calendar of Bills on Third Reading.

On motion by Senator Peaden—

SB 2174—A bill to be entitled An act relating to contaminated dry-cleaning facilities; amending s. 376.3078, F.S.; providing that a dry-cleaning facility where an accident caused or exacerbated contamination is eligible for an exemption from liability; defining the term “accident”; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 2174** was placed on the calendar of Bills on Third Reading.

On motion by Senator Baker, by two-thirds vote **HB 641** was withdrawn from the Committees on Agriculture; and Regulated Industries.

On motion by Senator Baker—

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.

—a companion measure, was substituted for **CS for CS for SB 1654** and read the second time by title.

Pursuant to Rule 4.19, **HB 641** was placed on the calendar of Bills on Third Reading.

On motion by Senator Atwater, by two-thirds vote **HB 209** was withdrawn from the Committees on Commerce and Consumer Services; Banking and Insurance; Government Efficiency Appropriations; and Ways and Means.

On motion by Senator Atwater—

HB 209—A bill to be entitled An act relating to the annual intangible personal property tax; repealing ss. 199.012, 199.023, 199.032, 199.033, 199.042, 199.052, 199.057, 199.062, 199.103, 199.1055, 199.106, 199.175, and 199.185, F.S., relating to the annual intangible personal property tax; amending s. 199.303, F.S.; providing additional legislative intent relating to the annual intangible personal property tax; amending ss. 28.35, 192.0105, 192.032, 192.042, 192.091, 193.114, 196.015, 196.199, 199.133, 199.183, 199.218, 199.232, 199.282, 199.292, 212.02, 213.053, 213.054, 213.27, 220.1845, 376.30781, 493.6102, 650.05, 655.071, and 733.702, F.S., to conform provisions to the repeal of the annual intangible personal property tax; providing for application of certain collection, administration, and enforcement provisions to taxation of certain leaseholds; authorizing the Department of Revenue to adopt emergency implementing rules for a certain time; providing effective dates.

—a companion measure, was substituted for **SB 714** and read the second time by title.

Pursuant to Rule 4.19, **HB 209** was placed on the calendar of Bills on Third Reading.

SB 692—A bill to be entitled An act relating to tax on sales, use, and other transactions; specifying a period during which the sale of books, clothing, and school supplies is exempt from such tax; providing definitions; providing exceptions; authorizing the Department of Revenue to adopt rules; providing an appropriation; providing an effective date.

—was read the second time by title.

Senator Webster moved the following amendment which was adopted:

Amendment 1 (815168)—On page 1, line 18 through page 2, line 2, delete those lines and insert: *having a sales price of \$50 or less per item during the period from 12:01 a.m., July 22, 2006, through midnight, July 30, 2006.*

2. *As used in this paragraph, the term:*

a. *“Book” means a set of printed sheets bound together and published in a volume. For purposes of this paragraph, the term “book” does not include newspapers, magazines, or other periodicals.*

b. *“Clothing” means any article of wearing apparel, including all footwear, except skis, swim fins, roller blades, and skates, intended to be worn on or about the human body. For purposes of this paragraph, the term “clothing” does not include watches, watchbands, jewelry, umbrellas, or handkerchiefs.*

(b)1. *School supplies having a sales price of \$10 or less per item during the period from 12:01 a.m., July 22, 2006, through midnight, July 30, 2006.*

MOTION

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

Senators Campbell and Klein offered the following amendment which was moved by Senator Campbell:

Amendment 2 (681856)(with title amendment)—On page 2, between lines 19 and 20, insert:

Section 3. *The tax levied under chapter 206, Florida Statutes, may not be levied on the retail sale of motor fuel during the months of July and August 2006. Notwithstanding any other provision of law, the Department of Revenue may adopt rules to administer this section.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 2 and 3, delete those lines and insert: An act relating to exemptions from taxation; exempting retail sales of motor fuel from certain taxes during a specified period; authorizing the Department of Revenue to adopt rules; specifying a period during which

POINT OF ORDER

Senator Villalobos raised a point of order that pursuant to Rule 7.1 **Amendment 2** was not germane to the bill.

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

On motion by Senator Webster, further consideration of **SB 692** with pending **Amendment 2 (681856)** and pending point of order was deferred.

CS for CS for CS for CS for SB 24—A bill to be entitled An act relating to hurricane preparedness; providing an exemption from the sales and use tax for sales of certain tangible personal property for

certain periods; providing an exception for sales within a public lodging establishment, theme park, entertainment complex, or airport; authorizing the Department of Revenue to adopt rules; providing appropriations; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for CS for CS for SB 24** to **HB 47**.

Pending further consideration of **CS for CS for CS for CS for SB 24** as amended, on motion by Senator Baker, by two-thirds vote **HB 47** was withdrawn from the Committees on Domestic Security; Commerce and Consumer Services; Government Efficiency Appropriations; and Ways and Means.

On motion by Senator Baker—

HB 47—A bill to be entitled An act relating to hurricane preparedness; providing an exemption from the sales and use tax for sales of certain tangible personal property for a certain period; providing an exception for sales within certain facilities; authorizing the Department of Revenue to adopt certain rules; providing an appropriation; providing for reversion and reappropriation of a certain unexpended balance; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for CS for SB 24** as amended and read the second time by title. On motions by Senator Baker, by two-thirds vote **HB 47** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Haridopolos

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

SB 692—A bill to be entitled An act relating to tax on sales, use, and other transactions; specifying a period during which the sale of books, clothing, and school supplies is exempt from such tax; providing definitions; providing exceptions; authorizing the Department of Revenue to adopt rules; providing an appropriation; providing an effective date.

—which was previously considered and amended this day with pending **Amendment 2 (681856)** by Senators Campbell and Klein and pending point of order by Senator Villalobos.

RULING ON POINT OF ORDER

On recommendation of Senator Argenziano, Vice Chair of the Committee on Rules and Calendar, the President ruled the point well taken and the amendment out of order.

Pursuant to Rule 4.19, **SB 692** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Smith—

SB 1074—A bill to be entitled An act relating to the assessment of obsolete agricultural equipment for purposes of ad valorem taxation; providing for obsolete agricultural equipment to be assessed at its value as salvage; defining the term “agricultural equipment”; providing a procedure for a taxpayer to claim the right of assessment under this section; authorizing the property appraiser to require information establishing a taxpayer’s right to the classification; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1074** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 2548** was deferred.

THE PRESIDENT PRESIDING

On motion by Senator Smith—

CS for SB 876—A bill to be entitled An act relating to building designations; 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; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 876** was placed on the calendar of Bills on Third Reading.

On motion by Senator Hill—

CS for CS for SB 786—A bill to be entitled An act relating to notification regarding the state minimum wage; creating s. 448.109, F.S.; providing definitions; requiring an employer to display posters at worksites to provide employees notice about the state minimum wage; requiring the Agency for Workforce Innovation to make available an updated poster each year; providing for the size and contents of the posters; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 786** was placed on the calendar of Bills on Third Reading.

By direction of the President, the rules were waived and the Senate reverted to—

BILLS ON THIRD READING

On motion by Senator Bennett, by two-thirds vote **HB 573** was withdrawn from the Committees on Community Affairs; and Ways and Means.

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

HB 573—A bill to be entitled An act relating to disabled veterans; amending s. 295.16, F.S.; expanding exemption from certain fees relating to structural improvements to a disabled veteran’s residence; providing an effective date.

—a companion measure, was substituted for **CS for SB 1342** and by two-thirds vote read the second time by title. On motion by Senator Bennett, by two-thirds vote **HB 573** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

| | | |
|---------------|---------|-------------|
| Mr. President | Atwater | Campbell |
| Alexander | Baker | Carlton |
| Argenziano | Bennett | Clary |
| Aronberg | Bullard | Constantine |

| | | |
|---------------------|----------|------------|
| Crist | King | Saunders |
| Diaz de la Portilla | Klein | Sebesta |
| Dockery | Lawson | Siplin |
| Fasano | Lynn | Smith |
| Garcia | Margolis | Villalobos |
| Geller | Miller | Webster |
| Haridopolos | Peaden | Wilson |
| Hill | Posey | Wise |
| Jones | Rich | |
| Nays—None | | |

On motion by Senator Aronberg, by two-thirds vote **HB 871** was withdrawn from the Committees on Communications and Public Utilities; Criminal Justice; and Justice Appropriations.

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

HB 871—A bill to be entitled An act relating to telephone calling records; providing definitions; prohibiting a person from obtaining or attempting to obtain the calling record of another person by making false or fraudulent statements or providing false or fraudulent documents to a telecommunications company or by selling or offering to sell a calling record that was obtained in a fraudulent manner; providing that it is a first-degree misdemeanor to commit a first violation and a third-degree felony to commit a second or subsequent violation; providing penalties; providing that it is not a violation of the act for a law enforcement agency or telecommunications company to obtain calling records for specified purposes; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1488** and by two-thirds vote read the second time by title. On motion by Senator Aronberg, by two-thirds vote **HB 871** was read the third time by title, passed and certified to the House. The vote on passage was:

| | | |
|---------------|---------------------|------------|
| Yeas—38 | | |
| Mr. President | Diaz de la Portilla | Miller |
| Alexander | Dockery | Peaden |
| Argenziano | Fasano | Posey |
| Aronberg | Garcia | Rich |
| Atwater | Geller | Saunders |
| Baker | Haridopolos | Sebesta |
| Bennett | Hill | Siplin |
| Bullard | Jones | Smith |
| Campbell | King | Villalobos |
| Carlton | Klein | Webster |
| Clary | Lawson | Wilson |
| Constantine | Lynn | Wise |
| Crist | Margolis | |
| Nays—None | | |

On motion by Senator Aronberg, by two-thirds vote **HB 299** was withdrawn from the Committees on Banking and Insurance; and Commerce and Consumer Services.

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

HB 299—A bill to be entitled An act relating to travel-limited life insurance coverage; providing a short title; amending s. 626.9541, F.S.; specifying prohibited activities by insurers for life insurance coverage relating to lawful travel experiences or plans; authorizing the Financial Services Commission to adopt rules and provide certain limited exceptions based on emergency conditions and public policy; requiring market conduct examinations of life insurers to include a review of certain applications; providing for trebling certain administrative fines for certain violations; requiring the Office of Insurance Regulation to report annually to the Legislature; providing report requirements; providing an effective date.

—a companion measure, was substituted for **CS for SB 764** as amended and by two-thirds vote read the second time by title. On motion by Senator Aronberg, by two-thirds vote **HB 299** was read the third time by title, passed and certified to the House. The vote on passage was:

| | | |
|---------------|---------------------|------------|
| Yeas—38 | | |
| Mr. President | Diaz de la Portilla | Miller |
| Alexander | Dockery | Peaden |
| Argenziano | Fasano | Posey |
| Aronberg | Garcia | Rich |
| Atwater | Geller | Saunders |
| Baker | Haridopolos | Sebesta |
| Bennett | Hill | Siplin |
| Bullard | Jones | Smith |
| Campbell | King | Villalobos |
| Carlton | Klein | Webster |
| Clary | Lawson | Wilson |
| Constantine | Lynn | Wise |
| Crist | Margolis | |
| Nays—None | | |

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Smith, by two-thirds vote **SB 982, SB 984, SB 986, SB 988, SB 992** and **SB 996** were withdrawn from the committees of reference and further consideration.

On motion by Senator Argenziano, by two-thirds vote **CS for CS for SB 1368, CS for SB 1528** and **CS for SB 2316** were withdrawn from the Committee on General Government Appropriations; **CS for SB 976, CS for SB 1182** and **CS for SB 1548** were withdrawn from the Committee on Health and Human Services Appropriations; **CS for SB 1748** and **CS for CS for SB 2278** were withdrawn from the Committee on Justice Appropriations; **CS for SB 1038** was withdrawn from the Committee on Rules and Calendar; **CS for SB 100, CS for CS for SB 860, CS for CS for SB 862, CS for SB 1232, CS for CS for SB 2102, CS for SB 2380, CS for CS for SB 2580** and **CS for CS for SB 2728** were withdrawn from the Committee on Ways and Means; and **CS for SB 1438** was withdrawn from the Committees on Rules and Calendar; and Ways and Means.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Friday, April 21, 2006: **CS for SB 526, CS for SB 708, CS for SB 710, CS for CS for SB 940, CS for SB 1966, SB 1850, CS for SB 514, CS for SB 1024, CS for CS for SB 1510, CS for SB 2242, CS for SB 516, CS for CS for SB 786, CS for SB 1218, CS for SB 696, CS for CS for SB 2184, CS for SB 698, CS for CS for SB 566, CS for SB 700, SB 2174, CS for CS for SB 1654**

Respectfully submitted,
Ken Pruitt, Chair

The Committee on Banking and Insurance recommends the following pass: **SB 2126**

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

The Committee on Domestic Security recommends the following pass: **CS for SB 1742** with 1 amendment

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

The Committee on Commerce and Consumer Services recommends the following pass: **CS for SB 2326** with 1 amendment

The bill was referred to the Committee on Governmental Oversight and Productivity under the original reference.

The Committee on Commerce and Consumer Services recommends the following pass: **CS for SB 2682** with 3 amendments

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

The Committee on Domestic Security recommends the following pass: SB 2434

The bill was placed on the calendar.

The Committee on Domestic Security recommends the following not pass: CS for SB 366

The bill was laid on the table.

The Committee on Health Care recommends a committee substitute for the following: SB 2588

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

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 2026

The Committee on Health Care recommends a committee substitute for the following: SB 2426

The Committee on Judiciary recommends a committee substitute for the following: SB 2106

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 Judiciary recommends a committee substitute for the following: SB 2356

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

The Committee on Education recommends a committee substitute for the following: SB 2252

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

The Committee on Agriculture recommends a committee substitute for the following: SB 1804

The Committee on Governmental Oversight and Productivity recommends committee substitutes for the following: CS for SB 856, SB 2460

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 Criminal Justice recommends a committee substitute for the following: CS for SB 2112

The Committee on Health Care recommends committee substitutes for the following: SB 1340, SB 2226

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 Commerce and Consumer Services recommends a committee substitute for the following: SB 2496

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

The Committee on Criminal Justice recommends a committee substitute for the following: CS for SB 2266

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: CS for SB 2366

The Committee on Judiciary recommends a committee substitute for the following: CS for SB 2018

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

The Committee on Governmental Oversight and Productivity recommends committee substitutes for the following: SB 736, CS for SB 2656

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

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: CS for SB 2668

The Committee on Judiciary recommends a committee substitute for the following: CS for SB 2186

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

The Committee on Commerce and Consumer Services recommends the following pass: CS for SB 600, CS for SB 1954

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 1312

The Committee on Health Care recommends committee substitutes for the following: CS for SB 1274, SB 1560, CS for SB 1874, SB 2432

The Committee on Judiciary recommends committee substitutes for the following: SB 202, CS for SB 498, SB 1844, SB 2304

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 Commerce and Consumer Services recommends that the Senate confirm the following appointment made by the Governor:

Office and Appointment

*For Term
Ending*

Board of Directors, Enterprise Florida, Inc.
Appointee: Stanley E. Stephens

07/01/2009

The Committee on Commerce and Consumer Services recommends that the Senate confirm the following appointments made by the President of the Senate:

Office and Appointment

*For Term
Ending*

Board of Directors, Enterprise Florida, Inc.

Office and Appointment

| | | |
|-------------|-------------------------|------------|
| Appointees: | A. D. "Sandy" MacKinnon | 07/01/2006 |
| | Brian A. McDonald | 07/01/2008 |
| | Vernon G. Buchanan | 07/01/2009 |

*For Term
Ending*

meeting held by Workforce Florida, Inc., or a regional workforce board or local committee at which specified personal identifying information contained in records relating to temporary cash assistance is discussed; providing an effective date.

The Committee on Commerce and Consumer Services recommends that the Senate confirm the following appointments made by the Speaker of the House of Representatives:

Office and Appointment

| | | |
|--|-----------------------|------------|
| Board of Directors, Enterprise Florida, Inc. | | |
| Appointees: | James W. Holton | 07/01/2009 |
| | Philip L. Waller, Jr. | 06/30/2008 |

*For Term
Ending*

By the Committees on Governmental Oversight and Productivity; Domestic Security; and Senator Diaz de la Portilla—

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

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Judiciary; and Senators Aronberg and Crist—

CS for SB 202—A bill to be entitled An act relating to consumer protection; amending ss. 501.203 and 501.204, F.S.; changing obsolete dates; reenacting and amending s. 501.207, F.S., relating to remedies of the enforcing authority under the Florida Deceptive and Unfair Trade Practices Act; providing that the court may order actions brought under that act on behalf of an enterprise; creating s. 501.972, F.S.; providing requirements for protection of a creation not subject to copyright; providing an effective date.

By the Committees on Judiciary; Commerce and Consumer Services; and Senator Aronberg—

CS for CS for SB 498—A bill to be entitled An act relating to domestic violence; creating s. 741.313, F.S.; defining the terms "domestic violence," "employer," "family or household member," and "victim"; requiring that an employer permit an employee to take leave from work to undertake activities resulting from an act of domestic violence; specifying the activities for which the employee may take leave; requiring the employee to notify the employer of the leave; providing exceptions; requiring that an employer keep information relating to the employee's leave confidential; prohibiting an employer from taking certain actions against the employee for exercising rights specified in the act; providing a recourse for violation of the act; providing an effective date.

By the Committees on Governmental Oversight and Productivity; and Commerce and Consumer Services—

CS for SB 736—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding temporary cash assistance; amending s. 414.106, F.S., which provides an exemption from public-meetings requirements for that portion of a meeting held by the Department of Children and Family Services, Workforce Florida, Inc., or a regional workforce board or local committee at which personal identifying information contained in records relating to temporary cash assistance is discussed; removing the scheduled repeal of the exemption; amending s. 414.295, F.S., which provides an exemption from public-records requirements for personal identifying information of a temporary cash assistance program participant, a participant's family, or a participant's family or household member, except for information identifying a noncustodial parent, held by the Department of Children and Family Services, the Agency for Workforce Innovation, Workforce Florida, Inc., the Department of Health, the Department of Revenue, the Department of Education, or a regional workforce board or local committee; narrowing the exemption; making editorial changes; revising provisions relating to the authorized release of such confidential and exempt information; removing superfluous provisions; removing the scheduled repeal of the exemption; amending s. 445.007, F.S.; removing the exemption from public-meetings requirements for any meeting or portion of a

CS for CS for SB 856—A bill to be entitled An act relating to domestic security; amending s. 282.318, F.S.; requiring the Department of Management Services to recommend minimum operating procedures for the security of data and information technology resources; requiring each agency to conduct certain procedures to assure the security of data, information, and information technology resources; requiring that the results of certain internal audits and evaluations be available to the Auditor General; requiring the department to establish an Office of Information Security and to designate a Chief Information Security Officer; requiring the office to develop a strategic plan; providing that the office is responsible for certain procedures and standards; providing legislative findings with respect to the provision of additional funds for enhancements and improvements to the radio system used by state law enforcement agencies; providing for the implementation of certain recommendations contingent upon appropriation; providing an effective date.

By the Committees on Health Care; Banking and Insurance; and Senator Atwater—

CS for CS for SB 1274—A bill to be entitled An act relating to plans, policies, contracts, and programs for the provision of health care services; amending s. 408.909, F.S.; revising eligibility requirements for participation in health flex plans; amending s. 627.642, F.S.; requiring an identification card containing specified information to be given to insureds who have health and accident insurance; amending s. 627.657, F.S.; requiring an identification card containing specified information to be given to insureds under group health insurance policies; amending s. 636.204, F.S.; deleting a requirement that an application for licensure as a discount medical plan organization must be accompanied by a copy of the applicant's most recent financial statements; amending s. 636.206, F.S.; authorizing the Office of Insurance Regulation to examine or investigate the business of a discount medical plan organization under certain circumstances; amending s. 636.210, F.S.; providing an exception to the prohibited restrictions on free access to plan providers for hospital services; amending s. 636.216, F.S.; revising the charges and filing requirements for access to certain health care services; amending s. 636.218, F.S.; deleting a requirement that audited financial statements be included in the annual report filed by a discount medical plan organization; amending s. 636.220, F.S.; requiring a discount medical plan organization to certify in writing and under oath that certain requirements are satisfied; amending s. 641.31, F.S.; requiring an identification card to be given to persons having health care services through a health maintenance contract; amending ss. 383.145, 641.185, 641.2018, 641.3107, 641.3922, and 641.513, F.S.; conforming cross-references to changes made by the act; providing application; providing effective dates.

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

CS for SB 1312—A bill to be entitled An act relating to notaries public; amending s. 117.05, F.S.; requiring that specified notaries public provide services without charge to a military veteran or a firefighter or law enforcement officer who is applying for certain benefits; creating s. 117.071, F.S.; requiring that a notary public record each notarial act in a journal; providing an exception; specifying the information to be recorded; requiring that a journal be retained for a specified period; requiring that a notary public notify the Executive Office of the Governor if the journal is stolen, lost, or destroyed; providing that failure to comply with the requirements for keeping a journal constitutes grounds for suspension or nonrenewal of a notary public's commission; amending s. 117.10, F.S.; exempting certain law enforcement officers from s. 117.071, F.S.; providing an effective date.

By the Committee on Health Care; and Senator Jones—

CS for SB 1340—A bill to be entitled An act relating to pharmacy technicians; amending s. 465.014, F.S.; providing for the registration of pharmacy technicians; requiring the Board of Pharmacy to set fees and rules to register pharmacy technicians; requiring an applicant for registration as a pharmacy technician to submit fingerprints; requiring that a criminal background check be conducted for each applicant; providing qualification requirements; providing a limitation; exempting pharmacy technician students and licensed pharmacy interns from certain registration requirements; providing continuing education requirements for registration renewal; requiring the board to adopt rules; providing grounds for denial, suspension, or revocation of registration or other disciplinary action; authorizing the board to impose certain penalties; amending s. 465.015, F.S.; prohibiting a person who is not registered as a pharmacy technician from performing certain functions or holding himself or herself out to others as a pharmacy technician; amending ss. 465.019, 465.0196, and 465.0197, F.S.; conforming references; providing an effective date.

By the Committee on Health Care; and Senator Margolis—

CS for SB 1560—A bill to be entitled An act relating to psychology specialties; creating s. 490.0149, F.S.; providing a definition; specifying the circumstances under which a psychologist may hold himself or herself out as a certified psychology specialist or psychology diplomate; requiring the Board of Psychology to adopt rules and establish specified criteria for the approval of certifying bodies; specifying that a psychologist licensed under ch. 490, F.S., may specify the types of services he or she provides; providing an effective date.

By the Committee on Agriculture; and Senator Peaden—

CS for SB 1804—A bill to be entitled An act relating to the restoration and conservation of bobwhite quail habitat; providing definitions; directing the Fish and Wildlife Conservation Commission and the Division of Forestry of the Department of Agriculture and Consumer Services to encourage landowners to participate in voluntary habitat assistance programs for restoring and conserving bobwhite quail habitat offered by the United States Department of Agriculture and other federal and state agencies; providing powers of the commission; authorizing the commission to acquire, by gift, title to lands, including easements, on behalf of the Board of Trustees of the Internal Improvement Trust Fund; authorizing rulemaking by the commission; directing the Institute of Food and Agricultural Sciences at the University of Florida to conduct research and extension activities and report to the Legislature; providing appropriations; providing an effective date.

By the Committee on Judiciary; and Senators Haridopolos and Crist—

CS for SB 1844—A bill to be entitled An act relating to administrative expunction of nonjudicial arrest records; amending s. 943.0581, F.S.; requiring the arresting law enforcement agency to apply to the Department of Law Enforcement for the administrative expunction of certain nonjudicial records of arrest; authorizing certain persons to apply directly to the department for administrative expunction in certain circumstances; requiring such persons to support such application with an endorsement; requiring an affidavit; providing that an application, endorsement, or affidavit may not be admitted into evidence or construed as an admission of liability; providing an effective date.

By the Committees on Health Care; Community Affairs; and Senator Argenziano—

CS for CS for SB 1874—A bill to be entitled An act relating to sewage treatment and disposal systems; amending s. 153.54, F.S.; requiring county commissions to include certain studies concerning the construction of a proposed new sewerage system or the extension of an existing sewerage system in certain reports; amending s. 153.73, F.S.; requiring county water and sewer districts to conduct certain studies concerning the construction of a new proposed sewerage system or the extension of

an existing sewerage system prior to the levying of certain assessments; amending s. 163.3180, F.S.; authorizing local governments to use certain onsite sewage treatment and disposal systems to meet certain concurrency requirements; amending s. 180.03, F.S.; requiring municipalities to conduct certain studies concerning the construction of a proposed new sewerage system or the extension of an existing sewerage system prior to the adoption of certain resolutions or ordinances; amending s. 381.00655, F.S.; authorizing local governments or water and sewer districts responsible for the operation of a centralized sewerage system to grant variances from connecting to a publicly owned or investor-owned sewerage system under certain circumstances; providing for construction; amending s. 381.0067, F.S.; authorizing the Department of Health or its agents to require repair or replacement of an existing sewerage treatment and disposal system under certain circumstances; requiring the department or its agents to issue an order requiring an owner to repair or replace an onsite sewage treatment and disposal system under certain circumstances; providing for construction; amending s. 489.554, F.S.; increasing the annual continuing education requirements for septic tank contractors and master septic tank contractors; providing an effective date.

By the Committees on Judiciary; Criminal Justice; and Senator Wise—

CS for CS for SB 2018—A bill to be entitled An act relating to pretrial release; amending s. 903.02, F.S.; providing that any judge setting or granting bail shall set a separate bail amount for each charge or offense; amending s. 903.047, F.S.; requiring a defendant to comply with all conditions of pretrial release; amending s. 903.27, F.S.; providing that in cases in which the bond forfeiture has been discharged by the court, the amount of the judgment may not exceed the amount of the unpaid fees or costs upon which the discharge had been conditioned; amending s. 903.31, F.S.; requiring the clerk of court to furnish an executed certificate of cancellation to the surety; providing that an acquittal or a withholding of adjudication of guilt satisfies bond conditions; providing an effective date.

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

CS for SB 2026—A bill to be entitled An act relating to the Florida State Employees' Charitable Campaign; amending s. 110.181, F.S.; revising the manner in which certain undesignated funds are distributed to participating charities; providing an effective date.

By the Committee on Judiciary; and Senator Bennett—

CS for SB 2106—A bill to be entitled An act relating to real property electronic recording; creating s. 695.27, F.S.; providing a short title; providing definitions; providing for the validity of electronic documents relating to real property; providing for the recording of electronic documents by the county recorder; granting the Department of State rulemaking authority; creating the Electronic Recording Council; requiring the department to make specific written findings if any of the council's recommendations are rejected; providing for membership and meetings of the council; providing that council members shall serve without compensation and may not claim per diem and travel expenses from the Secretary of State; providing guidelines for the department, in consultation with the council, to consider in adopting, amending, and repealing standards; providing for uniformity of application and construction; specifying the relation to a federal act; providing an effective date.

By the Committees on Criminal Justice; and Banking and Insurance—

CS for CS for SB 2112—A bill to be entitled An act relating to health care clinics; amending s. 400.990, F.S.; providing additional legislative findings; amending s. 400.9905, F.S.; redefining the term "clinic" for purposes of the Health Care Clinic Act to include certain additional providers; excluding certain facilities owned by publicly traded corporations; defining the terms "specialty clinic," "infusion therapy," and

“fraud”; amending s. 400.991, F.S.; requiring specialty clinics to be subject to licensure requirements; requiring additional persons to be subject to background screening; revising certain requirements for applying for licensure as a health care clinic; creating additional requirements for applying for licensure as a specialty clinic; providing additional grounds under which an applicant may be denied licensure due to a finding of guilt for committing a felony; providing grounds for the denial of specialty clinic licensure; amending s. 400.9915, F.S.; including specialty clinics within clinic inspection requirements; amending s. 400.992, F.S.; including specialty clinics within requirements for license renewal, transfer of ownership, and provisional licensure; amending s. 400.9925, F.S.; providing the agency with rulemaking authority regarding specialty clinics; stating that the licensure fee for a specialty clinic is nonrefundable and may not exceed \$2,000; amending s. 400.993, F.S.; including specialty clinics within provisions regarding unlicensed clinics; providing penalties for unlicensed operation of a specialty clinic; including specialty clinics within provisions regarding verification of licensure; amending s. 400.9935, F.S.; including specialty clinics within provisions regarding clinic responsibilities; revising the responsibilities of the medical director and the clinical director; requiring all persons providing health care services to individuals in a clinic to comply with the licensure laws and rules under which that person is licensed; providing for a certificate of exemption from licensure as a clinic to expire within a specified period; providing for renewal of the certificate of exemption; revising the application procedures for a certificate of exemption; providing grounds for the denial, withdrawal, or emergency suspension of a certificate of exemption by the Agency for Health Care Administration; providing that it is a third-degree felony for an applicant to submit fraudulent or material and misleading information to the agency; requiring a specialty clinic to file an audited report with the agency no less frequently than annually; requiring a specialty clinic to maintain compliance with part XIII of ch. 400, F.S.; requiring health care clinics and specialty clinics to display signs containing certain information relating to insurance fraud; authorizing compliance inspections by the Division of Insurance Fraud; requiring clinics to allow inspection access; amending s. 400.994, F.S.; granting the agency authority to institute injunctive proceedings against a specialty clinic; amending s. 400.995, F.S.; granting the agency authority to impose administrative penalties against a specialty clinic; creating s. 400.996, F.S.; creating a process whereby the agency receives, documents, and processes complaints about specialty clinics; requiring the agency to request that complaints regarding billing fraud by a specialty clinic be made by sworn affidavit; requiring the agency to refer to the Department of Financial Services, Office of Fiscal Integrity, any sworn affidavit asserting billing fraud by a specialty clinic; requiring the department to report findings regarding billing fraud by a specialty clinic to the agency; requiring the department to refer an investigation to prosecutorial authorities and provide investigative assistance under certain circumstances; providing that it is a first-degree misdemeanor to submit an affidavit asserting billing fraud by a specialty clinic which is without any factual basis; allowing the department to conduct unannounced reviews, investigations, analyses, and audits to investigate complaints of billing fraud by a specialty clinic; authorizing the department to enter upon the premises of a specialty clinic and immediately secure copies of certain documents; requiring a specialty clinic to allow full and immediate access to the premises and records of the clinic to a department officer or employee under s. 400.996, F.S.; providing that failure to provide such access is a ground for emergency suspension of the license of the specialty clinic; permitting the agency to assess a fee against a specialty clinic equal to the cost of conducting a review, investigation, analysis, or audit performed by the agency or the department; providing that all investigators designated by the Chief Financial Officer to perform duties under part XIII of ch. 400, F.S., and certified under s. 943.1395, F.S., are law enforcement officers of the state; amending s. 456.072, F.S.; providing that intentionally placing false information in an application for a certificate of exemption from clinic licensure constitutes grounds for which disciplinary action may be taken; providing an effective date.

By the Committees on Judiciary, Commerce and Consumer Services; and Senator Campbell—

CS for CS for SB 2186—A bill to be entitled An act relating to trademarks; creating s. 495.001, F.S.; providing a short title; amending s. 495.011, F.S.; providing definitions; amending s. 495.021, F.S.; precluding registration of certain marks; repealing s. 495.027, F.S., relating

to reservation of a mark; amending s. 495.031, F.S.; providing requirements for information to be contained in an application for registration of a mark; authorizing the Department of State to require certain information in an application; requiring that the application be signed and verified by any of certain persons; requiring that the application be accompanied by three specimens showing the mark; requiring that the application be accompanied by a fee; creating s. 495.035, F.S.; providing filing guidelines for applications; providing for disclaimers of unregistrable components; providing for amendment and judicial review; providing for priority of registrations; amending s. 495.041, F.S.; providing that first use shall inure to the benefit of the registrant or applicant under certain circumstances; amending s. 495.061, F.S.; providing for the issuance of a certificate of registration by the department; removing a provision relating to reservation of a mark; amending s. 495.071, F.S.; providing guidelines for the renewal of marks; revising duration of effectiveness of a registration; amending s. 495.081, F.S.; providing for the assignability of marks; authorizing a photocopy of an assignment to be acceptable for recording; providing for change of name certificates for registrants; authorizing recordation of certain instruments; providing acknowledgment of recording as prima facie evidence of the execution of an assignment or other instrument; specifying requirements for creation and perfection of security interests in marks; amending s. 495.091, F.S.; requiring the department to record all marks registered with the state; amending s. 495.101, F.S.; requiring the department to cancel certain marks; amending s. 495.111, F.S., which establishes a classification of goods and services; providing that a single application for registration of a mark may include any or all goods upon which, or services with which, the mark is actually being used as comprised in one or more of the classes listed; amending s. 495.131, F.S.; revising infringement provisions to include an element of lack of consent by the registrant; conforming language; amending s. 495.141, F.S.; providing additional remedies for the unauthorized use of a mark; creating s. 495.145, F.S.; providing a forum for actions regarding registration; providing for service of process on nonresident registrants; amending s. 495.151, F.S.; providing for an injunction in cases of dilution of a famous mark; providing factors to be considered in determining that a mark is famous; providing damages in certain circumstances of dilution; amending s. 495.161, F.S.; deleting language relating to the diminishing of certain common law rights; amending s. 495.171, F.S.; providing effective date of changes to ch. 495, F.S., as amended by the act; providing for repeal of conflicting acts; providing application to pending actions; amending s. 495.181, F.S.; providing construction and legislative intent; creating s. 495.191, F.S.; providing certain fees; repealing s. 506.06, F.S., relating to unlawful to counterfeit trademark, to conform; repealing s. 506.07, F.S., relating to filing of trademark or other form of advertisement for record with Department of State, to conform; repealing s. 506.08, F.S., relating to fee for filing, to conform; repealing s. 506.09, F.S., relating to civil remedies, to conform; repealing s. 506.11, F.S., relating to unlawful use of trademark, to conform; repealing s. 506.12, F.S., relating to procuring the filing of trademark or other form of advertisement by fraudulent representations, to conform; repealing s. 506.13, F.S., relating to using the name or seal of another, to conform; providing an effective date.

By the Committee on Health Care; and Senator Rich—

CS for SB 2226—A bill to be entitled An act relating to developmental disabilities; amending s. 409.912, F.S.; requiring the Agency for Health Care Administration to develop a waiver program to serve children and adults with specified disorders; providing an effective date.

By the Committee on Education; and Senator Webster—

CS for SB 2252—A bill to be entitled An act relating to district school boards; providing legislative findings; creating s. 1001.364, F.S.; providing for an alternate procedure for the election of a district school board chair in any school district that does not have a district school board member elected at large; requiring a referendum and providing requirements for submitting such referendum to the electors; creating s. 1001.365, F.S.; providing for resolution of a tie vote by the district school board chair and district school board members; amending s. 1001.371, F.S., relating to organization of district school boards, to conform; providing an effective date.

By the Committees on Criminal Justice; Children and Families; and Senators Rich and Lynn—

CS for CS for SB 2266—A bill to be entitled An act relating to inappropriate or excessively harsh corporal discipline; amending s. 39.301, F.S.; including allegations of criminal conduct concerning s. 827.032, F.S., in the allegations of child abuse which the Department of Children and Family Services must refer to certain law enforcement agencies; creating s. 827.032, F.S.; defining the term “inappropriate or excessively harsh corporal discipline”; prohibiting parents, legal custodians, and caregivers from inflicting inappropriate or excessively harsh corporal discipline; providing penalties; providing applicability; amending s. 921.0022, F.S.; providing ranking on the offense severity ranking chart; providing an effective date.

By the Committee on Judiciary; and Senator Baker—

CS for SB 2304—A bill to be entitled An act relating to class action lawsuits; providing requirements for capacity to file a class action; limiting actions to Florida residents; providing exceptions; eliminating private class action recovery of statutory penalties in certain actions unless actual damages are alleged and proven; providing that the Attorney General’s ability to seek statutory penalties is not affected; providing for availability of nonmonetary relief; providing for no effect on class action lawsuits involving civil rights laws; providing an effective date.

By the Committee on Judiciary; and Senator Baker—

CS for SB 2356—A bill to be entitled An act relating to controlled substances; amending s. 39.301, F.S.; requiring the Department of Children and Family Services to file a petition for dependency for the children of parents involved in certain controlled substance crimes; amending s. 893.13, F.S.; revising provisions relating to criminal penalties for controlled substance violations that result in serious injury to specified individuals; creating s. 627.4107, F.S.; prohibiting cancellation of life or health insurance policies or certificates of specified local, state, or federal employees due to exposure to toxic chemicals or due to disease or injury incurred in their duties related to controlled substance law violations committed by others; clarifying that cancellation or nonrenewal otherwise authorized under the Florida Insurance Code for circumstances involving fraud or intentional misrepresentation is not prohibited; providing penalties; amending s. 907.041, F.S.; revising a definition; revising provisions relating to pretrial release of certain defendants charged with certain controlled substance offenses; amending ss. 465.016, 465.023, 856.015, 893.135, 944.47, 951.22, and 985.4046, F.S.; conforming cross-references; providing an effective date.

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

CS for CS for SB 2366—A bill to be entitled An act relating to public records; amending s. 119.071, F.S.; providing that the clerk of the circuit court has no liability for the inadvertent release of certain confidential or exempt information; requiring the clerk of the circuit court to provide notice regarding the inclusion of a social security number or a complete bank account, debit, charge, or credit card number in a court document or copy of a court document; requiring the county recorder to use best efforts to redact social security numbers or complete bank account, debit, charge, or credit card numbers from electronic copies of official records documents; providing that the county recorder is not liable for the inadvertent release of certain confidential or exempt information; reenacting s. 1007.35(8)(b), F.S., relating to access to information necessary to evaluate the effectiveness of delivered services from the Florida Partnership for Minority and Underrepresented Student Achievement, to incorporate the amendments made to s. 119.071, F.S., in a reference thereto; providing an effective date.

By the Committee on Health Care; and Senator Argenziano—

CS for SB 2426—A bill to be entitled An act relating to public swimming facilities; creating s. 514.072, F.S.; requiring additional certification of swimming instructors specializing in training people who have

developmental disabilities; requiring the Dan Marino Foundation, Inc., to develop certification requirements and a training curriculum and to submit the certification requirements to the Department of Health for review; providing deadlines for certification; providing a remedy for certification violations; amending s. 514.075, F.S.; deleting an exception to the requirement that a public pool be serviced by a certified technician; providing an appropriation; providing an effective date.

By the Committee on Health Care; and Senator Constantine—

CS for SB 2432—A bill to be entitled An act relating to prepaid limited and discount medical plans; amending s. 636.044, F.S.; exempting certain sellers of travel from licensing requirements to sell prepaid limited health service contracts that cover the cost of transportation provided by an air ambulance service; providing an effective date.

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

CS for SB 2460—A bill to be entitled An act relating to government accountability; creating part II of ch. 11, F.S., the Florida Government Accountability Act; providing definitions; creating the Legislative Sunset Advisory Committee; providing for appointment, qualifications, and terms of committee members; providing for vacancies; providing for organization and procedure; authorizing reimbursement for certain expenses; providing for employment of staff; providing a schedule for abolishing state agencies and advisory committees; prescribing required content for agency reports to the committee; providing for review of agencies and their advisory committees by the Office of Program Policy Analysis and Government Accountability; prescribing duties of the committee in reviewing reports, consulting with other legislative entities, holding public hearings, and making a report and recommendations to the legislative leadership with respect to agencies scheduled for abolition; providing for monitoring committee recommendations; providing review criteria; specifying recommendation options; authorizing exemption from certain review for certain agencies; providing for continuation of state agencies and their advisory committees, by law, under certain circumstances; providing procedures after termination; providing for issuance of subpoenas; authorizing reimbursement for travel and per diem for witnesses; providing for assistance of and access to state agencies; providing applicability with respect to certain rights, penalties, liabilities, and proceedings; amending s. 216.023, F.S.; requiring that performance measures and standards and outsourcing cost-benefit and business case analyses identify impacts on agency activities; creating a working group to develop instructions for agencies regarding the computation of activity and unit cost information required to be included in legislative budget requests; providing an effective date.

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

CS for SB 2496—A bill to be entitled An act relating to deceptive and unfair trade practices; amending s. 501.975, F.S.; providing definitions for part VI of ch. 501, F.S.; creating s. 501.9755, F.S.; declaring that unfair methods of competition, unconscionable acts or practices, and unfair or deceptive acts or practices used by motor vehicle dealers are unlawful; providing legislative intent; specifying additional actions and practices of a dealer actionable under the Florida Deceptive and Unfair Trade Practices Act; amending s. 501.976, F.S.; creating s. 501.9765, F.S.; providing that a motor vehicle dealer who willfully uses a method or practice that victimizes or attempts to victimize senior citizens or handicapped persons commits an unfair or deceptive trade practice; providing a civil penalty; providing for reimbursement or restitution; creating s. 501.977, F.S.; providing additional remedies against a motor vehicle dealer; creating s. 501.978, F.S.; providing that the remedies of part VI of ch. 501, F.S., are in addition to remedies otherwise available for the same conduct under state or local law and do not preempt local consumer-protection ordinances not in conflict with part VI of ch. 501, F.S.; creating s. 501.979, F.S.; providing for attorney’s fees for a prevailing party; providing procedures for receiving attorney’s fees; authorizing the Department of Legal Affairs or the office of the state attorney to receive attorney’s fees under certain circumstances; creating s. 501.980, F.S.; requiring that, as a condition precedent to initiating civil litigation

arising under part VI of ch. 501, F.S., a claimant give the motor vehicle dealer written notice of the claimant's intent to initiate litigation against the motor vehicle dealer not less than 30 days before initiating the litigation; providing for the content of the notice of claim and the method by which the notice of claim is given to the motor vehicle dealer; providing that if the claim is paid by the motor vehicle dealer within 30 days after receiving the notice of claim, together with a surcharge of 10 percent of the alleged actual damages, the claimant may not initiate litigation against the motor vehicle dealer, and the motor vehicle dealer is obligated to pay no more than \$500 for the attorney's fees of the claimant; providing that the surcharge not exceed \$500; providing procedures for damage claims that are nonquantifiable; providing expedited procedures when the claimant is without access to a motor vehicle; specifying when a payment by a dealer is deemed paid; providing that a claimant is not entitled to a surcharge under certain circumstances; providing that a motor vehicle dealer is not obligated to pay the claimant's attorney's fees under certain circumstances; providing that the act does not apply to the statutory responsibility of the Attorney General or the state attorney or to certain claims, actions, or proceedings; requiring the Department of Legal Affairs to make a sample demand letter available to the public; providing for the tolling of the applicable statute of limitations; providing that the act does not affect the statutory responsibilities of the Attorney General or the office of the state attorney; requiring a court to abate litigation, without prejudice, until the claimant has complied with the required procedures; amending s. 501.212, F.S.; exempting motor vehicle dealers from the provisions of part II of ch. 501, F.S.; providing an exception for the enforcing authority; providing an effective date.

By the Committee on Health Care; and Senator Bennett—

CS for SB 2588—A bill to be entitled An act relating to enterprise zone incentives to serve the uninsured; amending s. 212.08, F.S.; providing for an exemption by refund from the tax on sales, use, and other transactions of certain medical equipment or supplies purchased and used by certain health care facilities located in enterprise zones; providing a limitation; providing application requirements; providing procedures and limitations for the refund; providing duties of a local governing body or enterprise zone development agency; providing duties of the Department of Revenue; requiring the department to adopt rules; providing for return of the refund under certain circumstances; requiring the department to deduct a portion of refunds from amounts to be transferred into a certain trust fund and deposit such amount into the General Revenue Fund; providing definitions; providing for expiration under certain circumstances; amending s. 290.0056, F.S.; expanding the list of entities from which appointments may be made to an enterprise zone development agency's board of commissioners; providing an additional requirement for the membership of an enterprise zone development agency board of commissioners under certain circumstances; providing a limitation; providing an effective date.

By the Committees on Governmental Oversight and Productivity; Commerce and Consumer Services; and Senator Atwater—

CS for CS for SB 2656—A bill to be entitled An act relating to public records; creating s. 288.9623, F.S.; providing definitions; defining the term "proprietary confidential business information" and specifying information that does not constitute proprietary confidential business information; creating an exemption from public-records requirements for proprietary confidential business information held by the Florida Opportunity Fund regarding alternative investments; providing for limited duration 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; 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 a continuing effective date.

By the Committees on Governmental Oversight and Productivity; Commerce and Consumer Services; and Senators Atwater, Crist and Lynn—

CS for CS for SB 2668—A bill to be entitled An act relating to capital formation; creating s. 288.9621, F.S., the Florida Capital Formation Act; providing definitions; requiring Enterprise Florida, Inc., to organize the Florida Opportunity Fund as a wholly owned private, not-for-profit limited liability company; providing for a board of directors for the company; providing for filling vacancies on the board of directors and for terms of office; specifying duties of the company; requiring the company to select a Florida Opportunity Fund Allocation Manager; providing requirements for investments; requiring the Florida Opportunity Fund to issue an annual report to the Governor and the Legislature; providing for a transfer of nonrecurring funds from the General Revenue Fund to the Economic Development Trust Fund for subsequent investment in the Florida Opportunity Fund; providing for return of funds to the General Revenue Fund; providing for future dissolution of the company; 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 573, HB 1155; has passed as amended HB 299, HB 737, HB 871, HB 7019 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Bilirakis and others—

HB 573—A bill to be entitled An act relating to disabled veterans; amending s. 295.16, F.S.; expanding exemption from certain fees relating to structural improvements to a disabled veteran's residence; providing an effective date.

—was referred to the Committees on Community Affairs; and Ways and Means.

By Representative Evers—

HB 1155—A bill to be entitled An act relating to contaminated drycleaning facilities; amending s. 376.3078, F.S.; providing that contaminated drycleaning facilities damaged by accident prior to a specified date are eligible for state-funded site rehabilitation; defining the term "accident"; providing an effective date.

—was referred to the Committees on Environmental Preservation; Judiciary; and General Government Appropriations.

By Representative Sobel and others—

HB 299—A bill to be entitled An act relating to travel-limited life insurance coverage; providing a short title; amending s. 626.9541, F.S.; specifying prohibited activities by insurers for life insurance coverage relating to lawful travel experiences or plans; authorizing the Financial Services Commission to adopt rules and provide certain limited exceptions based on emergency conditions and public policy; requiring market conduct examinations of life insurers to include a review of certain applications; providing for trebling certain administrative fines for certain violations; requiring the Office of Insurance Regulation to report annually to the Legislature; providing report requirements; providing an effective date.

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

By Representative Grant and others—

HB 737—A bill to be entitled An act relating to tax benefits related to catastrophic emergencies; amending s. 212.055, F.S.; including as infrastructure any fixed capital expenditure or fixed capital outlay associated with the improvement of certain private facilities made available as public shelters or staging areas for emergency response equipment during emergencies declared by the state or local government; limiting improvements to those necessary to meet current standards for public emergency evacuation shelters; requiring the owner to enter into a written contract with the local government providing improvement funding; providing an effective date.

—was referred to the Committees on Domestic Security; Community Affairs; Government Efficiency Appropriations; and Transportation and Economic Development Appropriations.

By Representative Ryan and others—

HB 871—A bill to be entitled An act relating to telephone calling records; providing definitions; prohibiting a person from obtaining or attempting to obtain the calling record of another person by making false or fraudulent statements or providing false or fraudulent documents to a telecommunications company or by selling or offering to sell a calling record that was obtained in a fraudulent manner; providing that it is a first-degree misdemeanor to commit a first violation and a third-degree felony to commit a second or subsequent violation; providing penalties; providing that it is not a violation of the act for a law enforcement agency or telecommunications company to obtain calling records for specified purposes; providing an effective date.

—was referred to the Committees on Communications and Public Utilities; Criminal Justice; and Justice Appropriations.

By the Committee on Civil Justice; and Representative Mahon—

HB 7019—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.; revising how mediation fees are assessed; amending s. 61.183, F.S.; requiring mediation in certain family law cases; providing an effective date.

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

RETURNING MESSAGES ON SENATE BILLS

The Honorable Tom Lee, President

I am directed to inform the Senate that the Speaker has appointed the following Representatives to serve as managers on the part of the House for the Conference Committee on 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: At Large: Rep. Negron, Chair, Rep. Mahon, Vice Chair, and Reps. Gardiner, Waters, Goodlette, Rubio, Bowen, Brummer, Simmons, Greenstein, Jennings, Seiler, Ryan, Sansom, and Zapata; Agriculture & Environment: Rep. Mayfield, Chair, and Reps. Brown, Littlefield, Hays, Poppell, Macheck, Stansel, Kendrick (Alternate), Williams, Evers, and Allen; Education: Rep. Pickens, Chair, and Reps. Rivera, Attkisson, Baxley, Flores, Altman, Arza, Stargel, Vana, Bendross-Mindingall, Richardson, Justice (Alternate), Patterson, Coley, and Mealor; Health & Human Services: Rep. Bean, Chair, and Reps. Benson, Cannon, Farkas, Galvano, Garcia, Murzin, Gannon, Sobel, Grimsley (Alternate), Rober-son (Alternate), Grant, and Hukill; Criminal Justice: Rep. Barreiro,

Chair, and Reps. Adams, Ambler, Needelman, Joyner, and Porth; Judiciary: Rep. Kottkamp, Chair, and Reps. Ross (Alternate), Planas, Gelber, and Quinones; State Administration: Rep. Berfield, Chair, and Reps. Carroll, Kreegel, Reagan, Lopez-Cantera (Alternate), A. Gibson (Alternate), Taylor, and Holloway; Transportation & Economic Development Appropriations: Rep. D. Davis, Chair, and Reps. M. Davis, Kravitz, Llorente, Traviesa, Ausley, Cusack, McInvale (Alternate), and Bogdanoff.

John B. Phelps, Clerk

RETURNING MESSAGES ON HOUSE BILLS

The Honorable Tom Lee, President

I am directed to inform the Senate that the Speaker has made the following additions and changes to the conferees on the part of the House for HB 5001, HB 5003, HB 5005, HB 5007, HB 5009, HB 5011, HB 5013, HB 5017, HB 5019, HB 5021 and HB 5023 and related legislation: Representative Zapata is hereby removed from Judiciary and appointed as an At-Large member, Representative Allen is appointed to Agriculture & Environment, and Representative Quinones is appointed to Judiciary.

An updated list of conferees follows:

At Large: Rep. Negron, Chair, Rep. Mahon, Vice Chair, and Reps. Gardiner, Waters, Goodlette, Rubio, Bowen, Brummer, Simmons, Greenstein, Jennings, Seiler, Ryan, Sansom, and Zapata; Agriculture & Environment: Rep. Mayfield, Chair, and Reps. Brown, Littlefield, Hays, Poppell, Macheck, Stansel, Kendrick (Alternate), Williams, Evers, and Allen; Education: Rep. Pickens, Chair, and Reps. Rivera, Attkisson, Baxley, Flores, Altman, Arza, Stargel, Vana, Bendross-Mindingall, Richardson, Justice (Alternate), Patterson, Coley, and Mealor; Health & Human Services: Rep. Bean, Chair, and Reps. Benson, Cannon, Farkas, Galvano, Garcia, Murzin, Gannon, Sobel, Grimsley (Alternate), Rober-son (Alternate), Grant, and Hukill; Criminal Justice: Rep. Barreiro, Chair, and Reps. Adams, Ambler, Needelman, Joyner, and Porth; Judiciary: Rep. Kottkamp, Chair, and Reps. Ross (Alternate), Planas, Gelber, and Quinones; State Administration: Rep. Berfield, Chair, and Reps. Carroll, Kreegel, Reagan, Lopez-Cantera (Alternate), A. Gibson (Alternate), Taylor, and Holloway; Transportation & Economic Development Appropriations: Rep. D. Davis, Chair, and Reps. M. Davis, Kravitz, Llorente, Traviesa, Ausley, Cusack, McInvale (Alternate), and Bogdanoff.

John B. Phelps, Clerk

RETURNING MESSAGES—FINAL ACTION

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 162, CS for SB 746, CS for CS for SB 1328, CS for SB 1370 and SB 1614.

John B. Phelps, Clerk

The bills contained in the foregoing messages were ordered enrolled.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 20 was corrected and approved.

CO-INTRODUCERS

Senators Fasano—CS for SB 1136; Klein—SB 2458

RECESS

On motion by Senator Argenziano, the Senate recessed at 12:36 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Wednesday, April 26 or upon call of the President.